

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 2:17-CR-00245-3
)	
Plaintiff,)	CRIMINAL
)	
vs.)	Corpus Christi, Texas
)	
SILVIA BEATRIZ PEREZ-CEBALLOS,)	Thursday, October 5, 2017
)	
Defendant.)	(8:29 a.m. to 12:00 p.m.)
		MORNING SESSION

JURY TRIAL - DAY 4
VOLUME I OF II, PAGES 1 THROUGH 136

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Court Recorder: Genay Rogan

Interpreters: Judy Hawks / Steven Mines
Lorena Parada-Valdes

Clerk: Brandy Cortez

The Marshal: Adrian Perez

Deputy U.S. Marshal: Don Mihelich

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1 Corpus Christi, Texas; Thursday, October 5, 2017; 8:29 a.m.

2 (Interpreters utilized for translation)

3 (Call to Order)

4 (Outside the presence of the jury)

5 THE COURT: 2:17CR-245-3, *United States of America*
6 *versus Silvia Beatriz Perez-Ceballos*. Is the Government ready
7 to proceed?

8 MS. HAMPTON: Yes, your Honor.

9 THE COURT: Is the Defense ready to proceed?

10 MR. REYNAL: Yes, your Honor. Just two small
11 housekeeping matters. Number one -- and I don't like to be a
12 tattler, but we didn't get -- I sent Ms. Hampton two e-mails
13 last night asking for who the witnesses were going to be today.

14 THE COURT: And I meant to address that. I was just
15 in a hurry to get out of here yesterday.

16 MR. REYNAL: No, I know we all were.

17 THE COURT: So I usually try to address that at the
18 end of the day.

19 MR. REYNAL: So I never got a response to those
20 e-mails. We've had so far two witnesses who have appeared who
21 hadn't been noticed the day before. Mr. Marichal, you know,
22 was sort of a surprise witness.

23 THE COURT: I remember her saying his name the day
24 before. Marichal, I do. Because I usually write it down and I
25 have his name down. And Tsokos or whatever -- the other one.

1 **MR. REYNAL:** Yeah.

2 **THE COURT:** I had him and his wife is what the
3 Government had mentioned.

4 **MR. REYNAL:** And certainly Monterrubio was not
5 mentioned the day before. So I just -- you know, I would ask
6 that the Government please provide us with a --

7 **THE COURT:** Okay.

8 **MR. REYNAL:** -- conservative estimate that covers the
9 entire day.

10 **THE COURT:** So when did you receive their e-mail and
11 is there a reason you didn't respond?

12 **MS. HAMPTON:** I did respond that we were working on
13 it. We were here until almost 8:00 o'clock last night working
14 on this, your Honor.

15 **THE COURT:** Okay. So you sent your response after
16 that?

17 **MS. HAMPTON:** No, I forgot to send a response. As
18 soon as we came this morning I did tell them. None of these
19 witnesses are a surprise to the Defense, your Honor. They've
20 been on the witness --

21 **THE COURT:** It doesn't matter. We're in a three-week
22 trial. They're entitled and they asked, and I said okay at the
23 very beginning, can we have the Government's witness list for
24 the next day. I said yes.

25 **MS. HAMPTON:** It wasn't intentional, your Honor.

1 **THE COURT:** Okay. So who are your witnesses for
2 today? Are we still dealing with Mr. Gonzalez here?

3 **MS. HAMPTON:** The witnesses for the rest of the trial
4 that we --

5 **THE COURT:** Not the rest of the trial. You can tell
6 them who the rest of the trial is certainly. But we do expect
7 so they can go back and prepare for the next day, right?

8 **MR. REYNAL:** That's correct.

9 **THE COURT:** That's the purpose of this. And I'm as
10 respectful to you all -- this goes to both sides -- as you all
11 are to me. So you all don't get huffy with me, I won't get
12 huffy with you all, okay? That's just for the record so
13 everyone understands where we are.

14 So Gonzalez and we finish him today. Who else?

15 **MS. HAMPTON:** Elizabeth Gutierrez. Mr. Knowles or
16 Mr. Dobbs, they're both VISA witnesses. I'm not sure which one
17 is coming. I believe it's Mr. Dobbs. Antonio Espinosa,
18 Adriana Arcelia, Fernando Latorre, Eberto Cabello, Amanda
19 Davis.

20 **THE COURT:** All right. So we need Mr. Gonzalez back
21 in?

22 **MR. REYNAL:** And have we resolved this question of is
23 he afraid of my client --

24 **THE COURT:** How is the Government going to proceed
25 with that?

1 **MS. HAMPTON:** We're not going to proceed with that.

2 **THE COURT:** Okay, all right.

3 **MS. HAMPTON:** I do have another matter, your Honor --

4 **THE COURT:** Okay.

5 **MS. HAMPTON:** -- that I called to the attention of
6 defense counsel this morning. We would ask -- we submit that
7 the Government has provided relevance to many of these bank
8 records. I'd like to offer some of them, most of them at this
9 time and relay to the Court why we've established relevance.

10 **THE COURT:** Okay.

11 **MS. HAMPTON:** Exhibit Number 1, Merrill Lynch bank
12 records for the account of Comprehensive Advisory and
13 Development, which is what Mr. Medina -- sorry, Mr. Gonzalez-
14 Monterrubio testified about yesterday, Comprehensive Advisory
15 belonging to Medina-Sonda.

16 Exhibit Number 2, Morgan Stanley Smith Barney bank
17 records for the account of Comprehensive Advisory and
18 Development.

19 Exhibit Number 3, Morgan Stanley Smith Barney records
20 for the account of Performance Investment Limited testified to
21 yesterday by Mr. Gonzalez-Monterrubio as Performance belonging
22 to Mr. Saiz-Pineda.

23 Exhibit Number 4, Merrill Lynch bank account records
24 for the account of Performance Investment Limited.

25 Exhibit Number 5, Deutsche bank records for the

1 account of Comprehensive Advisory and Development.

2 Exhibit Number 6, Deutsche bank records for the
3 account of Comprehensive Advisory and Development.

4 Exhibit Number 11, Wells Fargo bank account records
5 for the account of Phantom International Technology.

6 Exhibit Number 14, Wells Fargo bank records for the
7 account of Century 23D property.

8 Exhibit Number 16, Wells Fargo bank account records
9 for Phantom International Investments.

10 Exhibit Number 18, Wells Fargo bank account records
11 for the account of EMC International.

12 Exhibit Number 20, Wells Fargo bank account records
13 for the account of JEC Holdings, LLC.

14 Exhibit Number 22, Wells Fargo bank account records
15 for the account of Minelo Acquisitions, LLC.

16 Exhibit Number 23, Wells Fargo bank account records
17 for the account of Inquisitec, LLC.

18 Exhibit Number 25, RBC bank account records for
19 Comprehensive Advisory and Development.

20 Exhibit Number 35, Wells Fargo bank account records
21 for the personal checking account of Silvia Beatriz Perez-
22 Ceballos.

23 And Exhibit Number 36, Wells Fargo -- excuse me --
24 Bank of -- Wells Fargo bank account records for the personal
25 savings account of Silvia Beatriz Perez-Ceballos.

1 **THE COURT:** Okay.

2 **MS. HAMPTON:** Those are the bank records, your Honor.

3 **THE COURT:** Mr. Reynal?

4 **MR. REYNAL:** At this point I would object to these
5 records. I don't think that the Government has shown through
6 relevance all of these records to a money laundering or bank
7 fraud conspiracy. I don't think that we have any evidence of
8 an SUA or that the funds that went into these accounts were
9 linked to an SUA. And I would simply say that these records
10 shouldn't come in before the Government puts on some evidence
11 that the monies in there were linked to crime.

12 **THE COURT:** Anything for the record from the
13 Government?

14 **MS. HAMPTON:** Your Honor, the Government has
15 established the relevance of each of these companies through
16 testimony so far and we'd ask that they be admitted.

17 **THE COURT:** The Defense objection is overruled.
18 They're admitted.

19 **MR. REYNAL:** Thank you, your Honor.

20 **(Government's Exhibits Numbers 1, 2, 3, 4, 5, 6, 11, 14,**
21 **16, 18, 20, 22, 23, 25, 35 and 36 were received in evidence)**

22 **THE COURT:** Okay. Anything else before we bring the
23 witness in and the jury?

24 **MS. HAMPTON:** No, your Honor.

25 **MR. REYNAL:** Nothing from the Defendant.

1 **THE COURT:** Is the witness available?

2 **MR. SPEAKER:** Yes.

3 **THE COURT:** He can go ahead and take the stand.

4 Good morning, sir.

5 **THE WITNESS:** Good morning.

6 **THE COURT:** You can approach over here and we'll
7 bring the jury in. All right.

8 **THE MARSHAL:** All rise for the jury.

9 (Jurors enter courtroom at 8:37 a.m.)

10 **THE COURT:** Good morning. We're ready to proceed
11 then. Continue with the witness. Sir, you can have a seat.

12 **ANGEL GONZALEZ-MONTEERRUBIO, GOVERNMENT'S WITNESS,**

13 **PREVIOUSLY SWORN**

14 **DIRECT EXAMINATION (CONTINUED)**

15 **(Interpreter utilized for translation)**

16 **BY MS. HAMPTON:**

17 Q Good morning, Mr. Gonzalez-Monterrubbio.

18 A Good morning.

19 Q What specifically was your job for Mr. Saiz-Pineda?

20 A As I you told before, I guess like corporate lawyer,
21 checking --

22 Q Can you speak into the microphone, sir?

23 A Yes. Hello. Okay, sorry. I was like a corporate lawyer
24 checking some of the stuff of all the clients in the company.
25 Then I do administrative jobs. And then finally the big part

1 of my employment was outsourcing services.

2 Q What is "outsourcing services"?

3 A Well, some companies use to pay companies in the office in
4 order to pay salaries. And I was the person in charge to move
5 the resources according to the (indisc.) in the firm.

6 Q Moving the resources?

7 A Yes. I mean I had to transfer from the company who was
8 providing the services to the company -- to the final company
9 who has to do the payments to the employees.

10 Q What do you mean? Transfer what?

11 A I was moving the money. For example, if one company had a
12 contract with a client, they use to pay that company. That
13 company in the firm has to move the money inside of -- with
14 other companies. And finally it make the expression to the
15 employees is if this was related to that.

16 Q Did you create companies for Mr. Saiz-Pineda?

17 A Yes.

18 Q Did you create companies for Mr. Medina-Sonda?

19 A Yes.

20 Q Did you move money for both of them as well?

21 A Yes.

22 Q And those were your main jobs?

23 A Yes, that's correct.

24 Q Did you have a social relationship with Mr. Saiz-Pineda?

25 A Social relationship, no.

1 Q Were you friends with him, personal friends with him?

2 A No.

3 Q Was it a professional relationship?

4 A Yes, that's correct.

5 Q From what you know about Mr. Saiz-Pineda and Mr. Medina-
6 Sonda did they ever stop working together in their business?

7 A Well, I just left the company in 2012. Until that time
8 they still worked together at that time.

9 Q In 2012 they were still working together?

10 A Yes, that's correct.

11 Q Do you know whether at the time of Mr. Saiz-Pineda's
12 arrest in 2013 whether he was still working with Mr. Medina-
13 Sonda?

14 A Well, I'm not sure if they were still working at that
15 time.

16 Q Where were you at?

17 A You mean where I was living?

18 Q Yes, sir.

19 A In Houston.

20 Q Were you still working for Mr. Saiz-Pineda at that time?

21 A Yes.

22 Q Were you still working for Mr. Medina-Sonda at that time?

23 A Well, I didn't have a relationship with Martin Medina.

24 Q Why not?

25 A Because like in 2010 the company was like divide and they

1 moved lawyers and accountant to another building and Medina was
2 taking care of that part. And I just stayed in the office in
3 Sanchez Magallanes (indisc.). So that office was mainly
4 directed by Saiz-Pineda.

5 Q Whose idea was it to name the company Minelo?

6 A You mean who choose the name for Minelo?

7 Q Yes.

8 A I don't know.

9 Q What was Minelo used for? Do you know?

10 A Well, as far as I know it was for buying sold cars.

11 Q Buying and selling cars?

12 A No, I don't know if he's selling cars.

13 Q Oh, I'm sorry. Just buying cars?

14 A Yes.

15 **MS. HAMPTON:** Your Honor, at this time the Government
16 would move to admit Exhibits 71 through 76, 78 through 81, 83
17 through 86 and 88.

18 **(Voices heard off the record)**

19 **MR. REYNAL:** No objection.

20 **THE COURT:** They're admitted.

21 **(Government's Exhibits Numbers 71, 72, 73, 74, 75, 76, 78,
22 79, 80, 81, 83, 84, 85, 86 and 88 were received in evidence)**

23 **MS. HAMPTON:** May I publish to the jury, your Honor?

24 **THE COURT:** Yes.

25 **MS. HAMPTON:** Let's look at Exhibit 71 first.

1 (Pause)

2 Okay. This -- can we go down, please.

3 (Pause)

4 Can you turn that upside down, please? Can you zoom
5 in, please? Okay.

6 **BY MS. HAMPTON:**

7 Q Can you see this? It's a little hard to read, but this is
8 Page 3 of Exhibit 71. Now, who is the registered owner of this
9 particular vehicle?

10 A Are you asking me?

11 Q Yes, sir.

12 A Well, I couldn't see clearly but I think it's saying
13 Minelo Acquisition, something like that.

14 **MS. HAMPTON:** Can we zoom in a little bit more?

15 Q Can you see it?

16 A Yes.

17 Q What does it say?

18 A Minelo Acquisitions, LLC.

19 **MR. REYNAL:** Your Honor, I think the document speaks
20 for itself. I don't think he's ever seen it before.

21 **THE COURT:** He just stated what's on there, correct?
22 Overruled.

23 Q Do you recognize the address under Minelo Acquisitions,
24 LLC?

25 A The vehicle Audi (indisc.) is like the Audi in which was

1 in the hotel when I was checking on the apartments in Miami.

2 But I don't know (indisc.).

3 Q Is that an address that you've ever lived at?

4 A Lived?

5 Q Yes, sir.

6 A No.

7 Q Do you know if that is an address that your company,
8 Minelo Acquisitions --

9 A I don't know.

10 Q -- was registered at? Okay.

11 At the top it's really hard to read. Let's go back
12 to the very first page, please. Let's look at the type of
13 vehicle this is. This is Page 2.

14 Can you see what type of vehicle this is registered
15 to Minelo Acquisitions?

16 A I'm trying to find it but... Audi, Audi.

17 Q Okay. Let's go the next one, please, 72. This is Page 1
18 of Exhibit 72. Under owner information who is listed as the
19 owner?

20 A Owner information, Minelo Acquisitions, LLC.

21 Q Do you recognize that address?

22 A No.

23 Q Is that the same address or a different address than the
24 one we just --

25 A It's a different one. If you mean the previous one, it's

1 a different one.

2 **MS. HAMPTON:** Can we go down, please?

3 Q Page 3, it's kind of hard to read. But you can read the
4 emblem at the top, right? What kind of car is this?

5 A Bentley.

6 **MS. HAMPTON:** Can we go down, please?

7 Q And this is the back of the title history, correct?

8 A Minelo Acquisitions.

9 Q Okay. Let's go to Exhibit 73, please. Page 20. What is
10 this vehicle? Who is this vehicle registered to?

11 A Minelo Acquisition, LLC.

12 Q Do you recognize that address?

13 A No.

14 Q Can you tell what kind of car this is from this
15 registration or title?

16 A I think it say Bent is that one.

17 **MS. HAMPTON:** Can you go down, please? Can you turn
18 that around, please?

19 Q This is Page 22 of Exhibit 73. Under maker, model --
20 maker, manufacturer, what does it say?

21 A Bentley.

22 Q Okay. What year?

23 A 2013.

24 Q Okay. Let's go to Exhibit Number 74, please. Page 3.
25 Who is the registered owner of this vehicle?

1 A Minelo Acquisitions, LLC.

2 Q Okay. Can you go down, please?

3 A Sorry?

4 Q I'm sorry, I'm not talking to you.

5 This is Page 7 of Exhibit 74. Do you see the make or
6 manufacturer of the vehicle?

7 A You mean Prestige (indisc.)? You mean that or which one?

8 Q No, sir. Under motor vehicle, mobile home or --

9 A Oh, okay.

10 Q -- vessel description --

11 A Buga.

12 Q -- the make or manufacturer?

13 A It say Buga.

14 Q Do you know if that's an abbreviation for something?

15 A I guess it could be -- not really.

16 Q Okay.

17 A I don't want to guess.

18 **MS. HAMPTON:** Okay, stop here.

19 Q Page 10, what is the heading of this particular document?

20 A Bugatti (indisc.), SAS. Under Bugatti --

21 Q Under 8 --

22 A Bugatti Grand Sport (phonetic).

23 Q Okay. It's a Bugatti there, Grand Sport?

24 A Uh-huh.

25 Q Okay. Let's go to Exhibit 75.

1 On page one, who is the registered owner of this
2 vehicle?

3 A Minelo Acquisitions, LLC.

4 Q Can you tell what type of vehicle this is up here under
5 vehicle make?

6 A Cadi. I guess --

7 Q Do you know what that means?

8 A -- Cadillac maybe.

9 Q And the year?

10 A Two thousand nine.

11 Q Okay. Let's go to the Exhibit Number 76, please; page
12 one.

13 What is the registered owner of this vehicle?

14 A Minelo Acquisitions, LLC.

15 Q And vehicle make up here?

16 A Cadi.

17 Q Cadillac?

18 A Cadillac.

19 Q And what year?

20 A Two thousand ten.

21 Q Okay. Let's go to Government's Exhibit 78; page three,
22 please.

23 Who is the registered owner of this vehicle?

24 A Minelo Acquisitions, LLC.

25 Q Do you recognize that address?

1 A No, I don't recognize the address.

2 Q Is that the third address we've seen for Minelo
3 Acquisitions?

4 A Yes, it's the third address.

5 Q Can you go on, please?

6 (Pause)

7 Can you go here, please, stop here? Can you go to
8 the top of the page or zoom out a little bit, please?

9 Now, this is page eight of Exhibit Number 78.

10 A Uh-huh.

11 Q Do you recognize this document?

12 A Well, what I recognize is my signature there, but those
13 letters are not mine.

14 Q Okay. Whose name is at the top as being appointed as
15 power of attorney?

16 A Enrique Marichal.

17 Q And can you tell what kind of car this is from this
18 document?

19 A Well, I guess a Ferrari.

20 Q And what year?

21 A Two thousand nine.

22 Q When did -- what was the date that you signed this?

23 A I don't remember, because those letters are not mine. In
24 fact, if you check, they have three different letters there.

25 Q Okay. Is there a date on here with your name at the

1 bottom?

2 A Two thousand ten, say, is the one with my --

3 Q January 29th of 2010, right?

4 A Yes, that's correct.

5 Q Okay. So, this car was an '09 from the year before, and
6 this was January, 2010; is that correct?

7 A Uh-huh. Uh-huh.

8 Q Okay. Can you go down, please?

9 **(Pause)**

10 And, then, page number nine, under -- I think it says
11 "make," what is the make of this car?

12 A Where?

13 Q Can we zoom in, please?

14 **(Pause)**

15 A It's Ferrari. Do you mean the -- the car name?

16 Q Yes, sir. And when -- what was the date of the purchase,
17 according to this document?

18 A Two thousand nine, I guess.

19 Q What month and year? What month and day? It's in the top
20 left-hand corner.

21 A The top -- oh, I'm sorry. December 21, 2009.

22 Q Can you go down a little bit, please?

23 What was the --

24 Can you go back, please?

25 What was the -- the total due or the purchase price?

1 A Three hundred thirty-nine thousand and five hundred
2 dollars.

3 Q Under buyer's signature, do you know whose signature that
4 is?

5 A No.

6 Q Is that your signature?

7 A No.

8 Q Okay. Let's go to Exhibit Number 79; page nine, please.

9 Who is this vehicle registered to?

10 A Minelo Acquisitions, LLC.

11 Q What -- what type of vehicle is this? Can you tell from
12 the make?

13 A It says "Ferr." That would have to be Ferrari.

14 Q And what year?

15 A Sorry; I can't -- I can't see it clearly.

16 Q Can we zoom in, please?

17 A It's June 24th, 2011.

18 Q What year is the car?

19 A Ah, the car, sorry; 2003.

20 Q And the title was issued, you said, in 2011; is that
21 correct?

22 A That's correct. Uh-huh.

23 Q Can we go to Exhibit Number seventy -- excuse me --
24 eight -- 80; Exhibit Number 80, please.

25 Who is the registered owner of this vehicle?

1 A Minelo Acquisitions, LLC.

2 Q And from the -- this is page one. From the vehicle make,
3 can you tell what type of vehicle it is?

4 A Oh, Ferrari.

5 Q And what was the year of the Ferrari?

6 A Two thousand thirteen.

7 Q Down here under registration and information, what was
8 the -- can we go up a little bit?

9 What was the issue date for this title under
10 "registration information"?

11 A I don't know.

12 Q Do you see the area that says "issue date"? Does that say
13 April 25th, 2013?

14 A Oh, the issue date. Yes.

15 Q Okay.

16 A Uh-huh.

17 Q Can we go to Exhibit 81, please?

18 **(Pause)**

19 Who's the registered owner of this vehicle?

20 A Minelo Acquisitions, LLC.

21 Q And what type of vehicle was this?

22 A Ferrari.

23 Q And what year was the Ferrari?

24 A Two thousand thirteen.

25 Q And what was the issue date for the -- under registration

1 information, what was the issue date for the title?

2 A April 25, 2013.

3 Q Thank you.

4 Can we go to Exhibit 83, please? Page 21, please?
5 Twenty-one, please?

6 Who is the registered owner of this vehicle?

7 A Minelo Acquisitions, LLC.

8 Q Can you tell the make of this vehicle from this piece of
9 paper?

10 A I can't read clearly. Sorry. I can't --

11 Q Okay. Let's go down, please.

12 Okay. Under motor vehicle, mobile home, or vessel
13 description --

14 A Oh. The --

15 Q -- what is the make model or make manufacturer?

16 A "Lamb."

17 Q Do you know what that stands for?

18 A Well, it has to be Lamborghini.

19 Q And what year was it?

20 A Two thousand ten.

21 Q Okay. Can we go to page 31, please?

22 Under make, under the section that says "make" here,
23 what does it say?

24 A Lamborghini.

25 Q And the model?

1 A Murcielago.

2 Q And the body?

3 A Roadster.

4 Q Can you go to the bottom of the page, please?

5 And, first of all, reassignment information, the name
6 of the seller was Prestige Motor Cars, and they were selling it
7 to who?

8 A Minelo Acquisitions, LLC.

9 Q Okay. What is the date that -- that the sale happens
10 here?

11 A December 26, 2009.

12 Q Can you go back up -- I'm sorry -- for a minute, just the
13 top of the page?

14 And what was the year of this vehicle?

15 A I couldn't find date. Oh. Ten; 2010, I think.

16 Q So, the purchase was in December of '09 for the next
17 year's vehicle? Is that correct?

18 A Yes.

19 Q Okay.

20 Can we go down to the bottom of the page, please?

21 Do you see that there is a purchaser's signature
22 there?

23 A Yes.

24 Q Do you recognize that signature?

25 A Which one?

1 Q Under purchaser, right here.

2 A Yes.

3 Q Whose signature is that?

4 A It's my signature. Well, it looks like mine, yes.

5 Q Do you remember signing that document?

6 A No, I don't recall that.

7 Q Tell us how -- did you sign documents like this?

8 A Yes.

9 Q Tell us how you would sign documents like this.

10 A Well, as I told you before, I was given some document by
11 Marlis Cupil. She used to give me the document, mainly blank,
12 and I -- and I just sign -- signed those documents.

13 Q Did you sign this document in Mexico or the United States?

14 A I don't recall that. That document I don't -- I don't
15 really recall.

16 Q Would you have signed documents in the U.S. like this
17 also?

18 A Yes. I signed some -- some documents here in the U.S.

19 Q Did you go to the -- to the Prestige Motor Car Imports to
20 sign this?

21 A Not that I remember.

22 Q Where would you sign it? In an office? Or --

23 A Well, I remember just one time that I was required to go
24 to Miami, and Enrique Marichal take me to an office. I
25 remember I knocked on the office, and I signed some documents

1 there, but I don't recall having a -- a car dealer or something
2 like that.

3 Q Okay. Did you ever see this car?

4 A No.

5 Q This Lamborghini?

6 A No.

7 Q Did you pick up the Lamborghini from the car dealership?

8 A No.

9 Q Do you know who did?

10 A No.

11 Q Okay. All right. Let's go to Exhibit Number 84; page
12 five, please.

13 Who is the registered owner of this vehicle?

14 A Minelo Acquisitions, LLC.

15 Q Can we go down, please?

16 **(Pause)**

17 Page nine. Can you tell the make or manufacturer of
18 this vehicle?

19 A Say "Lamo." I'd have to say Lamborghini, something like
20 that.

21 Q What year was this? Make -- what year is the vehicle?

22 A Two thousand eleven.

23 Q What was the date of the issuance of the title? It's on
24 the left-hand side.

25 A Okay. July 26, 2011.

1 Q Can we go to page -- sorry -- Exhibit 85, please?

2 (Pause)

3 Who is the titled owner of this vehicle?

4 A Owner you mean? Minelo Acquisitions, LLC.

5 Q Okay. And do you see what kind of vehicle this is, the
6 vehicle make?

7 A Merz; I guess it's Mercedes-Benz.

8 Q Mercedes?

9 A Uh-huh.

10 Q And what year was the vehicle?

11 A Two thousand nine.

12 Q And what was the issuance date of this title, under title
13 information?

14 A Do you mean the run date?

15 Q The issuance date of the title under title information.

16 A Oh, I'm sorry. It's January 12, 2010.

17 Q Can you go to page 13, please? Can you go down, please?

18 On the application attest -- attest -- attestment and
19 signature, whose signature is that?

20 A It's mine.

21 Q And what was it dated?

22 A December 29, 2009.

23 Q Do you remember signing this document?

24 A Specifically, that document, no, but it looks like my
25 sign.

1 Q Do you remember where you signed the document?

2 A In Mexico.

3 Q Why do you know it was in Mexico?

4 A Because it's the only way that I could receive that kind
5 of paper. Marlis was (indisc.) those paper in Mexico.

6 Q Did you pick up this Mercedes from the car dealership?

7 A No. No.

8 Q Okay. Let's go to Exhibit 86, please.

9 Who is the registered owner of this vehicle?

10 A Minelo Acquisitions, LLC.

11 Q What was the vehicle make?

12 A Make? Oh, I'm sorry. "Pors." I guess it's Porsche.

13 Q What year was it?

14 A Two thousand five.

15 Q What was the issue date for the title?

16 A January 6, 2011.

17 Q Can you go to page seven, please?

18 Under "make" what does it say on page seven?

19 A The make? A Porsche.

20 Q And the model?

21 A Carrera GT.

22 Q And could we go to the bottom of the page, please?

23 Whose signature is that as the purchaser?

24 A It's mine.

25 Q Do you remember signing this document?

1 A No, I don't recall that.

2 Q Do you know where you signed this document?

3 A Where? I don't recall that also.

4 Q Okay. Let's go to Exhibit 88; page eight, please.

5 Who is the registered owner of this vehicle?

6 A Minelo Acquisitions, LLC.

7 Q Can you tell the make or manufacturer of this vehicle?

8 A It says "Roll."

9 Q Do you know what that means?

10 A Rolls Royce could be; I'm not sure.

11 Q A Rolls Royce?

12 A Uh-huh.

13 Q And what was the year?

14 A Two thousand thirteen.

15 Q What was the date of the issuance of the title to Minelo?

16 A October 15, 2012.

17 Q Was it issued in '12 for a next-year-model vehicle?

18 A Uh-huh.

19 Q Okay.

20 Can we go to Exhibit 22, please; to account
21 statements.

22 Do you know what this document is, sir?

23 A Yes. It's a statement, bank statement.

24 Q A bank statement from which bank?

25 A Wells Fargo.

1 Q And who is the account holder according to this document?

2 A Minelo Acquisitions, LLC.

3 Q Do you recognize that address?

4 A No, it's -- it's like -- they all related to buying this
5 car. I remember that address and it's related with that.

6 Q Did you have anything to do with opening this bank
7 account?

8 A No.

9 Q Do you know who opened this bank account?

10 A No.

11 Q Do you know how the bank account was opened?

12 A No.

13 Q Did you ever receive money from this bank account?

14 A Never.

15 Q Did you ever wire money to this bank account?

16 A I don't recall that.

17 Q Do you know why this bank account was opened?

18 A No.

19 Q Did anyone talk to you about opening this bank account?

20 A No, that I remember.

21 **(Pause)**

22 Q Let's go to Exhibit Number 20.

23 Do you remember yesterday when we were talking about
24 JEC Holdings?

25 A I remember the name. Yes, that's correct.

1 Q Did you know that your name was on that company as a
2 manager?

3 A Yes, I saw the -- the picture there.

4 Q Did you know that before we discussed it?

5 A No.

6 Q Okay. And that's the company that you were on as the
7 manager with Mr. Marichal, correct?

8 A Yes. I remember Marichal's name was in the top, something
9 like that.

10 Q Do you -- do you know what this document is?

11 A It's a bank statement.

12 Q For Wells Fargo?

13 A Yes. That's correct.

14 Q And it's for JEC Holdings?

15 A Yes; LLC.

16 Q Do you recognize that address?

17 A It related with the cars.

18 Q Did you open this bank account?

19 A No.

20 Q Did you sign for this bank account?

21 A No.

22 Q Did you ever use this bank account?

23 A No.

24 Q Do you remember sending money to this bank account?

25 A I don't recall that.

1 Q Do you know why this bank account was opened?

2 A No, I don't know.

3 Q Do you know who opened the bank account?

4 A No. No, ma'am.

5 **(Pause)**

6 **MR. HAMPTON:** Your Honor, at this time the Government
7 would offer Exhibit 42, which is the incorporation documents
8 for company Century 23B, which includes JEC Holdings as a
9 manager.

10 **MR. REYNAL:** No objection.

11 **THE COURT:** It's admitted.

12 **(Government's Exhibit Number 42 was received in evidence)**

13 **MR. HAMPTON:** May I publish to the jury, your Honor?

14 **THE COURT:** Yes.

15 **BY MS. HAMPTON:**

16 Q Mr. Gonzalez, do you know what Century 23B, LLC, is?

17 A Again? Which, ma'am?

18 Q Do you know what the company named Century 23B, LLC?

19 A No. No.

20 Q About when did you go to Los Angeles? What timeframe was
21 that?

22 A Two thousand ten.

23 Q And the purpose was to do what?

24 A To take pictures of one apartment and to give that
25 information to Saiz-Pineda.

1 Q Do you remember the address of the apartment? Or the --

2 A No, I just remember that it's close to Beverly Hills and
3 the Plaza; it was close to that area.

4 Q Do you remember the name of the building that you were at
5 in Los Angeles taking pictures?

6 A No, ma'am. I don't remember.

7 **MR. HAMPTON:** May I have a moment, your Honor?

8 **THE COURT:** Yes.

9 **(Pause; voices and whispers off the record)**

10 **BY MS. HAMPTON:**

11 Q On page four of Exhibit 42; can you zoom in a little bit?

12 Where it says "Name and complete address of any
13 manager or managers," under box number seven here --

14 A Okay.

15 Q -- what is the name of the -- of the manager?

16 A JEC Holdings, LLC.

17 Q And the address?

18 A It's 1001, I think, Brickell Bay Drive, 3112.

19 Q Do you know anything about this company?

20 A No.

21 Q Were you involved in the creation of 23 -- Century 23B?

22 A No.

23 **MR. HAMPTON:** Your Honor, at this time the Government
24 would offer to admit Exhibits 57, 58, and 59 -- sorry; it's 57,
25 58, 59, which are real property records relating to properties

1 that were purchased using JEC Holdings.

2 MR. REYNAL: No objection, your Honor.

3 THE COURT: They're admitted.

4 (Government's Exhibits Numbers 57, 58, and 59 were
5 received in evidence)

6 MR. HAMPTON: May I publish to the jury, your Honor?

7 THE COURT: Yes.

8 BY MS. HAMPTON:

9 Q Let's start with Exhibit 57.

10 (Pause)

11 Closing docs. First page of this document under
12 "closing docs" is -- there are some -- there are some names
13 here under these wire transactions. Do you see these -- these
14 names right here, sir?

15 A Yes.

16 Q Do you recognize the name Amazing Real Estate?

17 A No.

18 Q Have you ever heard of a company named Amazing Real Estate
19 in Mexico?

20 A Oh, I -- I don't recall that.

21 Q Okay.

22 (Pause)

23 Page 35 of the closing documents, Exhibit 57.

24 What is this?

25 A Power of attorney.

1 Q And the power of attorney is relating to a company called
2 Jade Ocean 2708 Holdings, LLC; is that correct?

3 A Yes, it's correct.

4 Q Do you know anything about that company?

5 A No. It looked like one was the apartment in which I was
6 taking pictures.

7 Q This was one of the apartments you were taking pictures?

8 A It looks like, but I'm not sure, because it's Jade Ocean.

9 Q Okay. Down here there is a signature block. Do you
10 recognize this signature?

11 A Yes.

12 Q Who --

13 A Martin Medina-Sonda.

14 Q And under his name what is his title?

15 A Manager.

16 Q Of what company?

17 A JEC Holdings, LLC.

18 Q Do you know anything about Mr. Medina-Sonda's involvement
19 with JEC Holdings, LLC?

20 A No.

21 Q Do you know why he was given power of attorney for this
22 particular property regarding JEC Holdings?

23 A No.

24 Q Let's go to Exhibit 58; closing documents; page one, some
25 wire transfers.

1 You -- do you recognize, again, the -- the company
2 name, Amazing Real Estate, S.A., and it's (indisc.)?

3 A I don't -- I don't recognize the name of the company.

4 Q Okay.

5 **(Pause)**

6 Page 40 -- 40, I think it is, of this Exhibit; do you
7 recognize this document?

8 A Not the document, but my sign -- signature is there.

9 Q What is the date of this document?

10 A June 11, 2010.

11 Q And according to this, what is it regarding?

12 **(Pause; no audible response)**

13 Well, under -- under the R-E, regarding --

14 A Oh, okay. Sorry.

15 Q -- sir.

16 A Sorry. I was trying to understand the text. It's Jade
17 Ocean Penthouse Holding, LLC.

18 Q Do you know anything about that company?

19 A No.

20 Q Do you know what company -- what property this company is
21 involved with?

22 A I guess the one apartment in Jade Ocean, no?

23 Q Okay. And you said this is your signature?

24 A Yes, it looks like.

25 Q And what did you sign as?

- 1 A Manager of Jade Ocean.
- 2 Q Do you remember signing this?
- 3 A No, I don't recall that.
- 4 Q Does it say manager of Jade Ocean or manager of something
- 5 else?
- 6 A Do you mean --
- 7 Q Can you read it? Can we --
- 8 A -- with another document?
- 9 Q Can you -- can you make it a little bigger, please?
- 10 What does it say? Angel Gonzalez; what else does it
- 11 say?
- 12 A Yes. Angel Gonzalez, manager.
- 13 Q Of what?
- 14 A A (indisc.) Holdings, LLC.
- 15 Q And as -- and, then, JEC as manager of Jade Ocean
- 16 Penthouse; is that correct?
- 17 A Sorry; again?
- 18 Q It says you're the manager of JEC Holdings --
- 19 A Uh-huh.
- 20 Q -- and then JEC Holdings is the manager of Jade Ocean
- 21 Penthouse; is that correct?
- 22 A If it's what it say in that document.
- 23 Q Do you know anything about the creation of Jade Ocean
- 24 Penthouse?
- 25 A No.

1 Q Okay.

2 Can we go to Exhibit 59, please?

3 A But that signature is a little bit weird.

4 Q Do you remember signing this document?

5 A I don't remember signing that document, but --

6 Q Okay.

7 A -- I just --

8 **(Pause)**

9 Q Mara Escrow closing documents, under Exhibit 59;

10 **(Pause)**

11 It's page 119.

12 **(Pause)**

13 Can you zoom out a little bit?

14 Do you recognize this document?

15 A Well, I don't remember the -- the document, but I
16 recognize the last name Cantor.

17 Q Can you go to the very top of the document so we can see
18 it, please?

19 The title of this document is Special and Limited
20 Power of Attorney. Is that correct?

21 A Yes, that's correct.

22 Q For what company is involved here?

23 A The Century 2018, LLC -- or, no --

24 Q Can you zoom in, please?

25 A Yes. I couldn't hear -- or see clearly. Sorry. Century

1 23B, LLC.

2 Q A California LLC? Is that correct?

3 A That's correct.

4 Q And who is it appointing as special unlimited power of
5 attorney?

6 A You mean Enrique Marichal, Steven L. Cantor, and Maritza
7 Perez.

8 Q Who is Maritza Perez?

9 A I don't know her.

10 Q Okay. And then there's an address regarding the real
11 property located at; is that correct?

12 A Yes, that's correct.

13 Q Is that the property you visited in Los Angeles?

14 A I don't remember exactly the location of the property but
15 I can tell you that you can see Central Park a little bit far
16 away.

17 Q Central Park, are you talking about New York or Los
18 Angeles?

19 A Sorry, sorry, I was mixing the New York. No, but in this
20 one you can see Beverly Hills in the distance.

21 **MS. HAMPTON:** Okay, can we go down, please?

22 Q What day was this executed?

23 A May, 2010.

24 Q May 14th, 2010?

25 A Yes, sorry, sorry.

1 Q And are these your signatures on this document?

2 A Yes.

3 Q What did you sign as; can you read your titles?

4 A What is confusing -- in which I say (indisc.) Century 23B
5 LLC and California LLC.

6 Q Yes, sir. And up here there's a heading above your
7 signature, the first signature, that says JEC Holdings LLC, a
8 Delaware Limited Liability Company, correct?

9 A Yes, that's correct.

10 Q As nominee for JEC Holdings NZ, Limited Partnership, a New
11 Zealand Limited Partnership; is that correct?

12 A Yes, that's what it say.

13 Q Have you ever been to New Zealand?

14 A No, never, I haven't been.

15 Q Did you know anything about a New Zealand partnership?

16 A No.

17 Q And then over here it's saying that you're signing also as
18 a member of Century 23B LLC and California LLC; is that
19 correct?

20 A That's correct.

21 Q Did you know you were a member of that LLC?

22 A No.

23 **MS. HAMPTON:** Can we go to Exhibit 56, please?

24 Q These are the New York documents, the New York closing
25 documents.

1 **MS. HAMPTON:** Go under "closing documents," page two,
2 please. Can we zoom in?

3 Q Do you know what kind of -- do you recognize this document
4 or do you know what kind of document it is?

5 A No, I don't know.

6 Q Do you see a bank title up here?

7 A It's a JPMorgan Chase Bank.

8 **MS. HAMPTON:** Can we zoom in one more time or a
9 couple more times? And then go down.

10 Q What is the amount?

11 A Which is -- oh, 1,301,978 I guess dollars, I guess
12 currency dollar.

13 Q Okay, and the bank again is JPMorgan Chase Bank, correct?

14 A Yes, that's correct.

15 Q And this bank is what? Where it's -- or the originating
16 bank.

17 A HSBC Mexico.

18 Q And what is the name of the company that's the originating
19 bank account owner?

20 A (indisc.)

21 Q What is the address of that company?

22 A Sanchez Magallanes (indisc.)

23 Q Is that the correct address for that company?

24 **THE INTERPRETER:** Sanchez Magallanes --

25 A That is the second --

1 **THE INTERPRETER:** Sanchez Magallanes 1005 First
2 Floor.

3 A Can I answer?

4 Q What -- is that the correct address for that company?

5 A Well, I don't know is it the correct address, but that is
6 address for the company. They divide the company in two.

7 Q What does this company do?

8 A I don't know.

9 Q Did --

10 A Which one?

11 Q Whose company is Federacion Tabasquena (phonetic)?

12 A Federacion is a company who concentrate their resources
13 from the cooperativas.

14 Q Who does that company belong to?

15 A Saiz-Pineda, Martin Medina.

16 Q Does that company conduct any business?

17 A Well, no, the federations are related to the cooperativas.

18 Q And the cooperativas are ways to move money throughout the
19 companies; is that correct?

20 A That's correct.

21 Q Okay, so is this Federacion Tabasquena a real company or
22 is it just something to hold money?

23 **MR. REYNAL:** Objection, your Honor, is it a real
24 company. I mean, what does that even mean?

25 **THE COURT:** Sustained.

1 **BY MS. HAMPTON:**

2 Q What kind of -- does it conduct any business?

3 A Well, per se directly for (indisc.) no, she has to work
4 through the cooperativas.

5 Q Does it have any employees?

6 A No.

7 Q Is anyone other than Mr. Saiz-Pineda involved with
8 Federacion Tabasquena?

9 A Martin Medina.

10 **MS. HAMPTON:** Okay, can we go to page four, please?

11 This -- can you -- no, just stay here.

12 Q What is the send date on page four, the same exhibit?

13 A The send date, where can I find that? Oh, sorry, August
14 12 31 (phonetic) (indisc.) no, but this is from Mexico because
15 the date changed in Mexico.

16 Q Okay, so what is it?

17 A So we have first day -- no, but this is in English, no?

18 It says August -- I'm not sure this is August or December.

19 Q Okay, it says "8/12/31."

20 A That's correct.

21 Q Okay, we'll get back to that. And this is to -- this is -
22 - where is the bank originating from here?

23 A Banco Mercantil Del Norte SA.

24 Q And what is the originating account at that bank?

25 A Federacion Tabasquena.

1 Q What is the address for Federacion Tabasquena?

2 A It's Sanchez Magallanes (indisc.)

3 MS. HAMPTON: Page six?

4 MR. SPEAKER: (Indisc.)

5 MS. HAMPTON: Oh, wait, I'm sorry, page four.

6 BY MS. HAMPTON:

7 Q What is the amount that was sent?

8 A Five hundred thousand.

9 MS. HAMPTON: Page six.

10 Q What is the date of --

11 MS. HAMPTON: Can you go back up please, at the very
12 top?

13 Q What is the --

14 MS. HAMPTON: Very top, please.

15 Q What is the date of this document at the top?

16 A I think January 22, 2009.

17 MS. HAMPTON: Okay, let's go down.

18 Q What is the amount of this transaction?

19 A One million three hundred dollar.

20 Q Three hundred thousand dollars?

21 A Three hundred thousand dollars, sorry.

22 Q Okay, and what bank is this being sent from?

23 A (Indisc.) Morgan Stanley.

24 Q Morgan Stanley and Company, Incorporated?

25 A That's correct.

1 Q And what is the name of the accountholder from that bank?

2 A Performance Investment Limited.

3 Q Who owns Performance Investment Limited?

4 A Saiz-Pineda.

5 Q Does Performance Investment Limited have any business?

6 A I don't know.

7 Q Does Performance Investment Limited have any employees?

8 A Not that I know.

9 Q What is Mr. Medina-Sonda's company?

10 A Medina-Sonda?

11 Q Similar to Performance.

12 A Comprehensive Advisory Development.

13 **MS. HAMPTON:** Okay, let's go to page eight, please.

14 Q What is the date of this transfer?

15 A September 23, 2008.

16 Q Received from, what does it say, which bank?

17 A JPMorgan Chase Bank.

18 Q What is the amount?

19 A Five hundred eighty-seven thousand dollar with \$478.

20 Q Okay, and the bank that it's -- it says "ordering bank" is
21 what?

22 A HSBC Mexico SA.

23 Q What is the name of this company behind HSBC Mexico?

24 A Institution -- this is in Spanish -- (speaks Spanish)

25 Q That's part of the HSBC --

1 A That's correct, that is part of that.

2 Q And then what is the originating account sending the
3 money?

4 A (indisc.)

5 Q Do you recognize that company?

6 A Yes.

7 Q Tell us about that company.

8 A That company is like a federation. That company doesn't
9 work by itself. That company was created with other companies
10 that used to move their resource to the attic.

11 Q And by "resources," what do you mean?

12 A Money.

13 Q Okay.

14 A Money (indisc.)

15 **MS. HAMPTON:** Let's go to page ten.

16 Q What is the date of this transfer?

17 A March 26, I guess, 2008.

18 **MS. HAMPTON:** Okay, go down, please.

19 Q What is the amount of this transfer?

20 A Five hundred eighty-seven thousand dollars and \$500.

21 Q What is the originating bank that's sending the money?

22 A (Speaks Spanish)

23 Q And who is the accountholder?

24 A Espinosa de los Leal Antonio.

25 Q Antonio Espinosa de los Leal?

1 A I think it is Antonio Espinosa de los Monteros but --

2 Q Who is Antonio Espinosa, who is that?

3 **MR. REYNAL:** Your Honor, calls for speculation as to
4 who this person is on this document that he's never seen
5 before.

6 **MS. HAMPTON:** Your Honor, he testified he knows this
7 person yesterday.

8 **THE COURT:** Do you know the person?

9 **THE WITNESS:** Yes.

10 **THE COURT:** Okay, overruled.

11 **BY MS. HAMPTON:**

12 Q How do you know this person?

13 A Because he used to work with the companies in the office.

14 Q In Mexico?

15 A Yes.

16 Q Okay, do you know what kind of work he did with the --
17 with Mr. Saiz-Pineda in Mexico?

18 A I don't recall exactly time of work.

19 **MS. HAMPTON:** Can you go up, please, to the date of
20 this?

21 Q I believe this was in 2008. Do you remember in 2008
22 whether Mr. Espinosa was working with Mr. Saiz-Pineda and the
23 companies in Mexico?

24 A I don't remember the date.

25 **MS. HAMPTON:** Page 48, please. Can you go up,

1 please?

2 Q What is the date of this transaction --

3 A I don't know the date.

4 Q -- where it says "value date?"

5 A I cannot see clearly but it look like -- okay, August --

6 Q It's another one of those inverted numbers.

7 A Okay.

8 Q But it says 8/12/31; is that correct?

9 A That's correct.

10 Q Okay, and what is the U. S. equivalent amount?

11 A Five hundred thousand dollar.

12 Q Right here, doe this tell us more about the date --

13 A Yes, --

14 Q -- up here on the top right?

15 A -- it's more clear, uh-huh, December 31, 2008.

16 Q Okay, so December 31st, 2008, \$500,000.

17 **MS. HAMPTON:** Can we go down, please?

18 Q The -- who is the sender of the \$500,000?

19 A Federacion Tabasquena.

20 Q And what is the address?

21 A Sanchez Magallanes (speaks Spanish)

22 **THE INTERPRETER:** Forty-nine thousand, one hundred
23 thirteen.

24 **MS. HAMPTON:** Page 49, please.

25 Q What is the date of this wire transfer?

1 A December 31st, 2008.

2 Q What is the amount?

3 A One million, eight hundred forty-nine thousand, ninety-
4 seven eight dollars.

5 Q And who is the company that's sending the money?

6 A Productores Por El Campo (phonetic).

7 **MS. HAMPTON:** May I have a moment, your Honor?

8 **THE COURT:** Yes.

9 **(Pause)**

10 **BY MS. HAMPTON:**

11 Q Mr. Gonzalez-Monterrubbio, --

12 A Yes?

13 Q -- did any of your own money every go into the Manila
14 Acquisitions account?

15 A You mean by commissions?

16 Q Any of your personal money?

17 A No, no.

18 Q Did you have anything to do with the control of Manila
19 Acquisitions bank account?

20 A No.

21 Q Or the company itself?

22 A No.

23 **MS. HAMPTON:** I pass the witness.

24 **MR. REYNAL:** May I proceed, your Honor?

25 //

1 **THE COURT:** Yes.

2 **MR. REYNAL:** Thank you. Good morning,
3 Mr. Monterrubio.

4 **THE WITNESS:** Good morning.

5 **MR. REYNAL:** My name's Andino Reynal. I represent
6 Silvia Beatriz Perez-Ceballos.

7 **THE WITNESS:** Okay.

8 **MR. REYNAL:** I just want to ask you a few questions
9 this morning; that okay?

10 **THE WITNESS:** Yeah, it's no problem.

11 **CROSS EXAMINATION**

12 **BY MR. REYNAL:**

13 Q I kind of want to start a little bit near the end. You
14 mentioned a meeting in Houston in 2013, I think it was late
15 summer or early fall; is that right?

16 A Well, I can say it was June or July, something like that.

17 Q June or July, okay, so during the summer. It was after
18 Mr. Saiz-Pineda had been arrested.

19 A That's correct.

20 Q And you said that at this meeting, it was to discuss the
21 events that just happened in Tabasco.

22 A Well, I didn't say that. What I say that everybody was
23 concerned about the situation in Mexico. I was present, the
24 lawyer for -- the son was the lawyer who representing Saiz in
25 Mexico.

1 Q And that was Javier Joliere (phonetic).

2 A Yes, Joliere is the last name, that's correct.

3 Q And everybody was very concerned.

4 A Yes.

5 Q You were very concerned.

6 A That's correct.

7 Q You were scared.

8 A Yes.

9 Q Silvia was there.

10 A Yes, she was.

11 Q You observed her.

12 A Yes, I saw her.

13 Q She was very concerned.

14 A Yes.

15 Q She was scared.

16 A Yes.

17 Q You knew that one of the reasons you were scared is
18 because in Tabasco, the government can throw you in jail
19 whether you commit a crime or not.

20 **MS. HAMPTON:** Your Honor, objection, calls for facts
21 not in evidence.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** So do I have to answer?

24 **MR. REYNAL:** Yes, you have to answer.

25 **THE WITNESS:** Sorry.

1 **BY MR. REYNAL:**

2 A Yes.

3 Q You were scared because you heard that Marlis Cupilus
4 (sic) had been kidnapped and tortured.

5 A I didn't say that.

6 **MS. HAMPTON:** Objection, your Honor, calls for facts
7 not in evidence.

8 **THE COURT:** Overruled.

9 Q I didn't ask you what you said. I said was that one of
10 the reasons why you were scared.

11 A One of the reason? I could say yes.

12 Q You certainly didn't want to go back to then.

13 A You mean that I didn't want to go back to Mexico.

14 Q Yeah, you did not want to go back to Mexico.

15 A Well, in fact I did in that year in January.

16 Q My question was you didn't want to go back to Mexico at
17 that point. Maybe you did but you didn't want to go back.

18 A Well, at that specific moment, no.

19 Q Okay. And you don't want to go back to Mexico now.

20 A Well, if I had a possibility, I would say no.

21 Q You understood that Silvia had fled to the United States
22 for the safety of herself and her daughters.

23 A No, I didn't understood that because I never was told
24 about that.

25 Q Okay. Is that why you believed she was in the United

1 States with her daughters?

2 A No, I didn't know what is the purpose.

3 Q All right. Now I want to take you back in time.

4 A Okay.

5 Q Let's go back to around 2004.

6 A Okay.

7 Q I guess at that point you were just finishing your
8 studies.

9 A No, I conclude my studies working in the firm.

10 Q Okay, so you were still studying.

11 A Yes, that's correct. I was still studying.

12 Q And you had been studying in Medela (phonetic).

13 A No.

14 Q Always in Villa Hermosa.

15 A In Villa Hermosa.

16 Q Okay. And you met Martin Medina.

17 A Yes, that's correct.

18 Q And you and he established a relationship.

19 A Yes.

20 Q And did you ask for a job or did he offer it to you?

21 A No, he offered me a job because I -- my job was constantly
22 in Banorte like in was July, he knew when he offered me a
23 position in the office.

24 Q And he offered you a position because presumably -- or you
25 understood that he offered you a position because he thought

1 you were qualified.

2 A I don't know the reason.

3 Q Okay. Do you feel like you were qualified for the job?

4 A Well, I didn't know even what type of job at that time,
5 but I was in need of a job, any type of job.

6 Q You didn't -- your testimony is you didn't know that
7 Mr. Saiz-Pineda and Mr. Martin-Medina were accountants.

8 A I never say that I didn't know.

9 Q Okay. So you knew that they were accountants.

10 A Well, what I know at that time about the office was, was
11 Martin was talking in the classroom and they were Ornelo's
12 (phonetic) accounting firm.

13 Q Okay, so we agree you knew that they were -- had an
14 accounting firm.

15 A No, I hear that.

16 Q Okay. Well, when you got there, there was accounting
17 going on, wasn't there?

18 A Yes.

19 Q Okay, so we can agree they had an accounting firm, right?

20 A Yes.

21 Q You went to work for it, true?

22 A Uh-huh.

23 Q Their accounting firm was successful.

24 A I don't know that.

25 Q They had clients.

- 1 A Yes, they had.
- 2 Q They had more than one client.
- 3 A Yes.
- 4 Q They had more than ten clients.
- 5 A Yes.
- 6 Q They had maybe more than a hundred clients.
- 7 A I don't know that.
- 8 Q Okay. Are you testifying here today that they at no time
- 9 had more than a hundred clients?
- 10 A Sorry?
- 11 Q Are you telling this jury that at no time while you worked
- 12 there did they ever have more than a hundred clients?
- 13 A I don't know that. I testifying that because I don't know
- 14 that. I never count every client in the firm.
- 15 Q But we can agree they have lots of clients.
- 16 A Yes, lots, yes.
- 17 Q Now, you studied law.
- 18 A That's correct.
- 19 Q You studied finances.
- 20 A No, I just study law and I study finance previously to
- 21 that.
- 22 Q Okay, so you had some background in finances and some
- 23 background in law.
- 24 A That's correct.
- 25 Q And at the firm that Martin Medina and Saiz-Pineda had,

1 they did accounting work, true?

2 A Uh-huh.

3 Q And they also did I guess tax planning.

4 A Well, if you can name it that way, I can say yes.

5 Q Okay. And I just want to -- I want -- we had a lot of
6 talk about cooperativas.

7 A That's correct.

8 Q And you know we don't have those in this country.

9 A Uh-huh.

10 Q You have to answer out loud.

11 **THE COURT:** Say yes or no.

12 A Yes, I'm sorry, yes, that's correct.

13 Q And you understand that it might be a little bit difficult
14 for somebody here to understand how a cooperativa works.

15 A Yes.

16 Q There's nothing illegal about a cooperativa, is there?

17 A Per se, no.

18 Q Okay. They are provided for in Mexican law.

19 A It's a type of companies in Mexico.

20 Q Okay. And these companies can be used or are used to
21 achieve a financial benefit in terms of taxation and labor
22 laws, true?

23 A As far as I was told because I not accountant, yes.

24 Q Okay. And you're not here telling anybody that that's
25 illegal, are you?

1 A Well, nobody's asking me that.

2 Q I'm asking you. Are you telling us that that's illegal?

3 A To have a cooperativa?

4 Q Uh-huh.

5 A No.

6 Q To within the law try and get a tax advantage or optimize
7 your finances; is that illegal in your mind within the law?

8 A Well, no.

9 Q Now, I kind of -- I want to kind of step-by-step walk
10 through how a cooperativa works, okay? The cooperativa is
11 originally founded by a small group of people, true?

12 A Well, I no expert and I not accountant so I cannot confirm
13 that.

14 Q Okay. You worked at the office for, what, eight years?

15 A Eight years, that's correct. But I never was involved in
16 that aspect with the cooperativas.

17 Q Well, when you talk about outsourcing, didn't that also
18 involve the cooperativas?

19 A Yes.

20 Q Okay, and that's what you did.

21 A No, you were asking me about the reason with a
22 cooperativas and I don't know because I not accountant.

23 Q I just want to ask you about the mechanics --

24 A Okay.

25 Q -- of how this outsourcing cooperativas works.

1 A Okay.

2 Q Okay. And I think the term "outsourcing" maybe conceals
3 as much as it reveals in the sense that these cooperativas were
4 designed as a mechanism for companies to pay employees and
5 vendors, true?

6 MS. HAMPTON: Your Honor, I'm going to object to
7 there's no question and there's sidebar comments --

8 THE COURT: Sustained.

9 MS. HAMPTON: -- included in his questions.

10 THE COURT: Sustained.

11 BY MR. REYNAL:

12 Q The cooperativas, the way they work is that they pay out
13 to purchase services or real property or whatever the person
14 who participates in the cooperativa wants.

15 A You mean the way they was using -- they were using the
16 office?

17 MS. HAMPTON: Objection, your Honor, that wasn't a
18 question, that was a statement.

19 THE COURT: Sustained.

20 MR. REYNAL: Let me rephrase it, okay?

21 BY MR. REYNAL:

22 Q Based on your experience, isn't it true that the way the
23 cooperativas worked was as a way for people to pay for goods or
24 services?

25 A Goods or services? We use the cooperativas to pay salary.

1 Q To pay salary, okay, that's a service, wouldn't you agree?
2 Somebody's salary, somebody's giving a service and, therefore,
3 they get a salary.

4 A Well, that was -- I was told that the (indisc.) was
5 focused on that.

6 Q Okay.

7 **THE WITNESS:** So sorry.

8 **MR. REYNAL:** No, drink your water.

9 **THE WITNESS:** Okay.

10 **BY MR. REYNAL:**

11 Q So who is getting paid by the cooperativa, who are these
12 employees?

13 A The client's employees.

14 Q The client's employees. So the client puts money into the
15 cooperativa, and then the cooperativa pays the employees.

16 A No, the process is not in that way.

17 Q Okay.

18 A The process I was told and I was instructed to move the
19 resources is they pay to other companies like (indisc.) or
20 other type of companies sometimes cooperativas. And they then
21 move that money to the federation, and federation return at
22 some point to other cooperativa the resource and they disburse,
23 make the payments.

24 Q To the employees.

25 A Is that for employees? Yes.

1 Q Okay, and it could also be for other things.

2 A Yes.

3 Q And the --

4 MR. REYNAL: (Indisc.) the cooperativa founding
5 documents.

6 (Ms. Hampton/Mr. Reynal confer)

7 MR. REYNAL: I'm sorry. May I approach, your Honor?

8 THE COURT: Yes.

9 BY MR. REYNAL:

10 Q I want to hand you what's in evidence as Government's
11 Exhibit 122; remember that from yesterday?

12 A Yes.

13 Q Okay. There's a section of that that deals with all the
14 potential uses that a cooperativa can be put to; is that right?

15 A Well, I don't know if this have that. If you show me
16 that --

17 Q I'll show you.

18 A -- section. Because those document were prepared in the
19 office also.

20 Q I'm sorry?

21 A Those document were prepared in the office --

22 Q Yeah, you said you knew about this.

23 A -- by the -- that's correct -- by the lawyer. Just show
24 me that.

25 Q Okay. Do you see the part -- can you see it on your

1 screen up there, too?

2 A No, I don't know how --

3 Q Maybe it's easier to see it --

4 A I don't know how to turn it on.

5 **THE COURT:** Oh, it's not on?

6 **THE WITNESS:** No.

7 **MR. REYNAL:** There's a button.

8 **THE COURT:** It's right there on the right, there
9 should be a button.

10 **THE WITNESS:** The right? Here? No, so sorry. Yes,
11 it's better here. Tell me.

12 **MR. REYNAL:** Is that easier to read?

13 **THE WITNESS:** Yes.

14 **MR. REYNAL:** Okay.

15 **BY MR. REYNAL:**

16 Q You see there's a --

17 **MR. REYNAL:** I'm going to just zoom in a little bit.

18 Q And it's in Spanish, sorry, but all I'm going to ask, you
19 see it says "objecto" (phonetic).

20 A Yes.

21 **THE INTERPRETER:** Object.

22 Q What does that mean?

23 A Well, it's not a specific translation but I can say that
24 is the (indisc.) that this company's allowed to do.

25 Q Okay. And just looking through this, have you been able

1 to read through the bottom of the page yet?

2 A (No audible response)

3 Q Could -- were you able to read through the bottom of that
4 paragraph?

5 A Yes.

6 Q Okay, and just looking through that and then going on to
7 the second page, you know, there's -- I think we end at like
8 object number 42, right; is that the last one?

9 A Forty-two? What it say? Thirty-two.

10 Q (Indisc.) see, 42.

11 A Oh, okay, okay.

12 Q So they could be used to -- for -- I mean, you would agree
13 with me, based on reading that, they can be used to pay for
14 pretty much any kind of service or good or anything. It's very
15 broad.

16 A Well, you just state that it doesn't say that they can pay
17 but you say that they do any act of (indisc.) that is what it
18 state.

19 Q Incredibly broad.

20 A Yes, that's correct.

21 Q And it's designed that way because the clients of the firm
22 who use the cooperativa structure had lots of different types
23 of businesses.

24 A Well, they have a lot of type of business but I don't know
25 if that was the reason.

1 Q Okay. And the clients of the cooperativas had to pay for
2 a lot of diverse -- or wanted to be able to pay for a lot of
3 different types of services and for different types of products
4 or goods, true?

5 A Okay, yes.

6 Q Yes?

7 A Yes.

8 Q This outsourcing cooperativa was -- withdrawn.

9 In order to participate in a cooperativa, you need to --
10 the term in Spanish is (speaks Spanish), in English, "give
11 over," money --

12 **THE INTERPRETER:** To grant or give.

13 A Yes.

14 Q And in return for that, you get like a share in the
15 cooperativa.

16 A Not (indisc.) return of the money. The return of your
17 effort, of your participation, in the cooperativa.

18 Q But that is kind of kept track of in --

19 A I don't understand "kept track of."

20 Q Oh, sorry, that is accounted for by giving you an interest
21 in the cooperativa so they can keep track of how much your
22 effort, how much you have put into the cooperativa.

23 A Well, that is open. The way that they use to analyze how
24 much will you receive according to your job.

25 Q According to your job. And but that was kept track of

1 through like a system of sort of shares of nominal interest in
2 the cooperativa; isn't that right?

3 A No, I don't understand.

4 Q Okay, let me see if I can refresh your recollection.

5 **MR. REYNAL:** May I approach?

6 **MS. HAMPTON:** Your Honor, I'd ask to see the
7 document. If he's refreshing his recollection as to something,
8 it has to be this witness's statement.

9 **MR. REYNAL:** No, it doesn't. It could be with
10 anything.

11 **THE COURT:** What are you showing?

12 **MR. REYNAL:** I'm showing him corporate documents from
13 one of the cooperativas.

14 **THE COURT:** Okay, so what's the --

15 **MS. HAMPTON:** Is there a reason to believe this
16 witness knows about this particular corporate document?

17 **THE COURT:** Well, I guess he has to ask him about it,
18 doesn't he?

19 **MR. REYNAL:** I'm not seeking to introduce it at this
20 point. I was just seeking to refresh his recollection. May I
21 proceed, your Honor.

22 **THE COURT:** Yes, overruled.

23 **BY MR. REYNAL:**

24 Q Is there something called like a certificate of -- how
25 would you translate (speaks Spanish)?

1 **THE INTERPRETER:** May the interpreter have a moment?

2 **THE COURT:** Yes.

3 **THE INTERPRETER:** The interpreter needs to interpret
4 that. Grant a certificate.

5 **THE WITNESS:** Okay.

6 **THE INTERPRETER:** May the interpreter take a moment
7 to confer with her colleague?

8 **THE COURT:** Yes.

9 **THE INTERPRETER:** The interpreter will rephrase,
10 certificate of contribution.

11 **BY MR. REYNAL:**

12 Q Does that refresh your recollection as to how it was
13 accounted for, how much effort or money people put into the
14 cooperativa?

15 A Well, I no accountant.

16 Q Okay.

17 A This is an accountant term. I don't know what is the
18 purpose per se of that certificate but I was -- can I tell you
19 is that every person in the cooperativa would receive according
20 to the --

21 Q You have to slow down.

22 A -- to their effort.

23 Q You have to slow --

24 A It's the only way.

25 Q Slowly.

1 A Yes. I don't know the real purpose of the (speaks
2 Spanish) because I not accountant.

3 Q Okay. I didn't ask you about the real purpose. I asked
4 you whether the interest that people had in the cooperativa
5 that they could at some point take out was kept track of with
6 these (speaks Spanish)

7 MS. HAMPTON: Objection.

8 THE COURT: Okay, hold on.

9 THE INTERPRETER: Certificate of contribution.

10 MR. REYNAL: Certificate of contribution.

11 THE COURT: Don't answer it.

12 MS. HAMPTON: Objection, asked and answered. The
13 witness has said he doesn't know, your Honor.

14 THE COURT: Sustained.

15 BY MR. REYNAL:

16 Q Was it your job to pay out to people who -- clients who
17 participated in these cooperativas?

18 A My job was to pay to the list of employees that the
19 company was sending to me.

20 Q Okay, so you're familiar with the list of the employees as
21 a general matter?

22 A Well, not directly in the company per se. I just was to
23 use the list of the company send to me.

24 Q Okay. Were often times the employees of the cooperativa
25 also the clients of the firm?

1 A I don't understand.

2 Q The people who were listed as the employees of the
3 cooperativa with their certificates of -- with their
4 certificates, were they also many times the client of the firm?

5 A Of the firm? You mean -- you are inferring that the
6 person in the cooperativas, that all these person are employees
7 of the firm? Because I don't understand the question.

8 Q I'll rephrase the question. And maybe I can back up. At
9 the company you worked for, they created cooperativas.

10 A That's correct.

11 Q You were on the creation documents for at least one
12 cooperativa.

13 A That's correct.

14 Q But after the cooperativa comes into existence, other
15 people get interests in the cooperativa get a financial stake
16 in the cooperativa based on their contributions, true?

17 A Is not clear for me and I don't want to say something that
18 I don't know.

19 Q I want to know your understanding.

20 A No, if you explain to me in another way, maybe I will
21 understand because it's confusing the way that you are telling
22 me that.

23 Q It's confusing for me, too.

24 **MS. HAMPTON:** Objection, your Honor, sidebar comment.

25 Q Was this --

1 **THE COURT:** Sustained.

2 **BY MR. REYNAL:**

3 Q You -- can you tell us some of the businesses that were
4 clients of the firm in relation to the cooperativas?

5 A The most important was payroll, that was the main issue in
6 the cooperativas, no?

7 Q And can you tell us some of the companies that were making
8 payroll through the cooperativas?

9 A Well, no, I just remember car dealer.

10 Q I'm sorry?

11 A Car dealers.

12 Q Car dealers.

13 A That's correct.

14 Q Anybody else?

15 A Car dealers and I don't remember other -- that was the
16 biggest part, the car dealers.

17 Q But there were lots of companies.

18 A Yes.

19 **(Pause)**

20 **MR. REYNAL:** One moment.

21 Q I'm going to show you --

22 **MR. REYNAL:** May I approach?

23 **THE COURT:** Yes.

24 //

25 //

1 **BY MR. REYNAL:**

2 Q -- another document. Is this the kind of document that
3 you would have worked with or you would have had at the office
4 as part of (speaks Spanish)?

5 A You mean I know this company that was created in the
6 office, yes.

7 Q Okay, and these were the types of documents that you
8 worked with.

9 A No. I wasn't in the legal team. I just was operating the
10 process of the outsourcing. This was prepared by the legal
11 team in the office.

12 Q But this was part of the transaction documents (indisc.)

13 A What the company was used for that purpose.

14 Q Okay, but yesterday you testified to another legal
15 document that was given to you about (speaks Spanish)

16 A Yes.

17 Q -- and you said that you knew that one.

18 A Yes, I know that document also. I telling you that.

19 Q And you know this document as well.

20 A Yes.

21 Q Okay.

22 **MR. REYNAL:** Move to admit, your Honor.

23 **THE COURT:** Have you shown the Government --

24 **MR. REYNAL:** Defense Exhibit 3.13.

25 //

1 **MS. HAMPTON:** I haven't seen it and he hasn't
2 established the foundation, your Honor. This witness testified
3 he doesn't know about this document, that he's not on the legal
4 team. And his name's not on this account and his name's not on
5 this company like it was on the other one.

6 **THE COURT:** Well, he certainly knew about the one
7 yesterday --

8 **MS. HAMPTON:** His name --

9 **THE COURT:** -- so is it something similar?

10 **MS. HAMPTON:** His name was on that company, your
11 Honor.

12 **MR. REYNAL:** It is, it's the same document, your
13 Honor. And he just testified that he knows this document like
14 he knows the other because they were documents they kept
15 (indisc.) and I have a business records affidavit for it as
16 well.

17 **THE COURT:** Okay, what's the -- any other objection
18 from the Government?

19 **MS. HAMPTON:** Can I have a minute to review it?

20 **THE COURT:** Yes.

21 (Pause from 10:01 a.m. to 10:03 a.m.)

22 **THE COURT:** Why don't we take our morning break?
23 It's a little bit after 10:00 so let's take about a 15-minute
24 break.

25 **THE MARSHAL:** All rise for the jury.

1 (Jurors exit at 10:04 a.m.)

2 (Recess taken from 10:04 a.m. to 10:09 a.m.)

3 (Outside the presence of the jury)

4 THE COURT: Before the jury or outside the jury?

5 (Judge/Clerk confer)

6 THE COURT: So Ms. Hampton?

7 MS. HAMPTON: I don't mind either way, your Honor.

8 THE COURT: Okay, we can bring him in if you-all want
9 to do it now. And she -- for the record she stated she wanted
10 to take the witness on Voir Dire.

11 MR. REYNAL: I'm going to use the restroom real
12 quick.

13 THE COURT: Yes, go ahead and then we can bring him
14 in, we can do it before the jury is ready.

15 (Recess taken from 10:11 to 10:13 a.m.)

16 (Outside the presence of the jury)

17 THE COURT: Can we bring the witness -- oh, well,
18 when Ms. Hampton comes back I guess we'll bring -- need you to
19 bring the witness in also.

20 MR. MUSCHENHEIM: I'll get him.

21 THE COURT: 'Cause we're going to question him
22 outside the jury.

23 MR. MUSCHENHEIM: I think we'd like to, your Honor,
24 because it could be 30 minutes.

25 MR. REYNAL: I hope they're not -- they're not going

1 to talk to the witness now before he gets back on the stand to
2 ask him (indisc.).

3 **MR. MUSCHENHEIM:** I'm sorry?

4 **THE COURT:** I don't know, I don't know where he is.

5 **MR. REYNAL:** You're not going to talk to the witness
6 about this document before he goes back on --

7 **MR. MUSCHENHEIM:** We want to Voir Dire. We want to
8 take him on Voir Dire.

9 **MR. REYNAL:** But you're not going to talk about it
10 out in the hallway here.

11 **MR. MUSCHENHEIM:** I have not spoken to him out in the
12 hallway. I said in Spanish "excuse me, may I use the room" so
13 I could talk to the Border Patrol agent about his testimony
14 this afternoon, (indisc.) but I asked him to leave the room.

15 **MR. REYNAL:** No, no, no, no. That's cool. I just
16 don't --

17 **MR. MUSCHENHEIM:** Oh, of course not. No, sir. No,
18 sir.

19 **MR. REYNAL:** I don't want any -- any appearance, we
20 don't like appearances.

21 **(Counsel confer)**

22 **THE COURT:** Okay, Mr. Gonzalez, if you will approach
23 over here. We're going to ask you some questions before the
24 jury comes in regarding the document.

25 //

1 **MR. REYNAL:** Should I hand him a copy of the
2 document?

3 **THE COURT:** Sure. And Ms. Hampton's going to -- you
4 can let him stand here.

5 **MS. HAMPTON:** Is this marked as a Defense Exhibit?

6 **MR. REYNAL:** Yes.

7 **MS. HAMPTON:** Number? What is the number, please?

8 **MR. REYNAL:** Up in the left hand corner.

9 **MS. HAMPTON:** 3.13? Is it 3.13?

10 **VOIR DIRE EXAMINATION**

11 **(Outside presence of jury)**

12 **BY MS. HAMPTON:**

13 Q Mr. Gonzalez --

14 A Yes?

15 Q -- do you have the document in front of you as Defense
16 Exhibit 3.13?

17 A Uh-huh (yes.)

18 Q Have you ever seen that document before?

19 A Sorry?

20 Q Have you ever seen that piece of -- that document before?

21 A This one?

22 Q Yes, sir.

23 A I have seen the original I think.

24 Q I'm sorry?

25 A The original in Mexico.

1 Q You've seen the original?

2 A Yes.

3 Q For that particular document?

4 A Let me check that, all right? Yes, this was one of the
5 companies in the firm.

6 **MS. HAMPTON:** What is Exhibit Number -- where's the
7 other exhibit we had?

8 **MR. SPEAKER:** It's here. I mean --

9 **BY MS. HAMPTON:**

10 Q I'm going to show you Government's Exhibit 122. This was
11 admitted yesterday. You've seen this document, correct, with
12 your name on it?

13 A Yes, that's correct.

14 Q And you've seen Defense Exhibit 3.13 in addition to
15 Exhibit 122?

16 A I don't know the name of that one, but -- okay, this is --
17 okay, sorry, what --

18 Q Have you seen the document that's in front of you?

19 **MR. REYNAL:** Asked and answered, your Honor.

20 **THE COURT:** I thought he said yes, the original.

21 **THE WITNESS:** Uh-huh (yes.)

22 **BY MS. HAMPTON:**

23 Q When did you see it?

24 A When or where?

25 Q Yes, sir. When?

1 A I don't know exactly the day, but this (indisc.), I want
2 to clarify that. Every document in the -- I have company's
3 constitution, looks like the same, it looks like the same, so
4 it's so simple to say, okay, I -- I saw this document because
5 it would be the same attorney also, with the same Notary.

6 Q Can you -- can you flip to where the annexes start in that
7 document and see if that looks familiar to you?

8 A Uh-huh (yes.) **(Witness reading document)** Well, I don't
9 know who is Jose Barrio Pettatroni (phonetic), I don't --
10 Well, that one is the constitution (indisc.), the
11 company per se, and this is Anna (indisc.), I don't know what
12 is the name here.

13 Q When you said "that one" you're referring to Exhibit 122?

14 A That one is the constitution, the formation of the
15 company.

16 Q Okay.

17 A And this is an additional document.

18 Q Have you seen that document?

19 **MR. REYNAL:** Asked and answered, your Honor.

20 **THE COURT:** Sustained.

21 **MS. HAMPTON:** May I approach, your Honor?

22 **THE COURT:** Yes.

23 **BY MS. HAMPTON:**

24 Q I have turned to the page where it begins with Annex
25 Number 1. Do you recognize those pages?

1 A Well, this is --

2 Q Those listing of individuals?

3 A It has the numbers of the (indisc.) in the company.

4 Q Have you seen those pages before?

5 A I not sure about this. And also there are people that I
6 don't know.

7 Q Have you seen those pages before, sir?

8 A I not sure. Now I not sure about this.

9 Q Do you -- have you ever seen those pages before, sir?

10 **MR. REYNAL:** Asked and answered, he said he wasn't
11 sure.

12 **THE COURT:** Sustained.

13 Q You're not sure or you don't know?

14 A No, I -- I not sure.

15 **MR. REYNAL:** Asked and answered.

16 **THE COURT:** Sustained. I'm sorry you don't like his
17 answers, but they are what they are.

18 **MS. HAMPTON:** May I approach again, your Honor?

19 **THE COURT:** Yes.

20 **THE WITNESS:** I'm sorry.

21 Q I'm turning to the last page, sir. What is that page?

22 A That's the personal information with the manager.

23 Q Is that the day it was registered and -- with the public
24 record?

25 A It say July 16th, 2016 I guess because it's not clear.

1 Our -- our (indisc.) was different.

2 Q Where were you on --

3 **THE INTERPRETER:** Entry date.

4 Q Where were you in 2016?

5 A Here, I was living here.

6 Q Does it appear that -- what does it appear from that last
7 page, what is that -- what does that last page say?

8 A In Spanish I can say it, **(Speaks Spanish)**

9 Q Okay.

10 **THE INTERPRETER:** General information about the
11 representatives or the -- delegates.

12 A Uh-huh (yes.)

13 Q Is that -- is there a filing date for a public record on
14 that page?

15 A Oh, I don't know. As far as I know this look like all
16 letters -- documents in the office, but I don't have any
17 information about that.

18 Q About what?

19 A All this.

20 Q About what?

21 A Well, it is difficult to me to concern that this is
22 original document, but I didn't know about this because
23 otherwise -- how can I say this, putting that in the records of
24 the company in 2016 and I wasn't there.

25 Q Thank you.

1 **MS. HAMPTON:** Your Honor, we would object. We
2 haven't established that this is an authentic document and that
3 this witness has knowledge of this document.

4 **THE COURT:** Okay. Do you have any questions for the
5 witness?

6 **MR. REYNAL:** Certainly. Your Honor, I think what's
7 going on here is they're trying to scare him away from the
8 document, but --

9 **VOIR DIRE EXAMINATION**

10 **BY MR. REYNAL:**

11 Q But if you look at the front page of the document, does it
12 show when the document was done?

13 A This document say December 16, 2011.

14 Q Thank you very much.

15 And these were the type of documents and you said --

16 **MR. REYNAL:** No further questions.

17 **THE COURT:** Okay. Anything else?

18 **MR. SPEAKER:** Nothing.

19 **THE COURT:** So what's the difference -- what was the
20 2016 date? What is that?

21 **MR. REYNAL:** The 2016 date, when you have a company
22 in Mexico, my understanding is that you have to pay taxes and
23 you have to reform the Government -- I can hand it up to your
24 Honor if you want to see it, but the document itself, which
25 includes -- in fact, I didn't have to give him this bit on the

1 back, it doesn't make any difference. The document itself has
2 on this page with the signature of the Notary.

3 We also have the business records affidavit if your
4 Honor would like to see it?

5 **THE COURT:** All right. Anything further from the
6 Government?

7 **MS. HAMPTON:** Your Honor, this witness -- this
8 witness is not the right witness to introduce this document.
9 There are several parts of this document he's never seen. He
10 said he can't verify what this document is.

11 **THE COURT:** Overruled. The Court will admit it, and
12 it's D-3.13?

13 **MR. REYNAL:** Yes, your Honor.

14 **THE COURT:** Okay.

15 **(Defense Exhibit Number 3.13 was received in evidence)**

16 **THE COURT:** Is the jury ready? You might check.

17 **MR. REYNAL:** Thank you, your Honor.

18 **(Counsel confers)**

19 **(Pause)**

20 **COURT SECURITY OFFICER:** They're ready, your Honor.

21 **THE COURT:** All right. Wait, let him sit down.

22 **COURT SECURITY OFFICER:** All rise for the jury.

23 **(Jurors enter courtroom at 10:25 a.m.)**

24 **THE COURT:** All right, you can have a seat and we'll
25 continue.

1 **CROSS EXAMINATION (RESUMED)**

2 **BY MR. REYNAL:**

3 Q Mr. Monterrubio --

4 A Yes?

5 Q -- I know I keep doing this to you, but let me -- let me
6 back up, I think it might make this part of the examination
7 easier and if there's anything I say you don't understand just
8 let me know, okay?

9 A Okay.

10 Q You said earlier that the cooperativas were created for a
11 fiscal optimization.

12 A Physical?

13 Q Fiscal, (**Speaks Spanish**)

14 A That's fine.

15 Q Is that correct?

16 A Well, that was the purpose I guess, yeah.

17 Q Can you explain to us what that meant to you?

18 A Well, as I told you before I not accountant. I can repeat
19 just what I was told.

20 Q I want to know what it means to you, not what you were
21 told, what it means to you based on what --

22 A I don't --

23 **MS. HAMPTON:** Objection, your Honor, asked and
24 answered.

25 **THE COURT:** Overruled.

1 **BY MR. REYNAL:**

2 Q Based on -- just based on your -- everything, what does it
3 mean to you?

4 A Well, I just want to repeat what I was told by the office
5 that this company --

6 **MS. HAMPTON:** Objection, your Honor, calls for
7 hearsay.

8 **THE COURT:** Sustained.

9 Q In order to achieve this fiscal optimization did different
10 companies become members of the cooperativa?

11 A Well, companies are not allowed to be members of this
12 cooperativa, it has to be a person.

13 Q So individuals became part of the cooperativa?

14 A Individuals, that's correct.

15 Q I'm going to show you what's been -- withdrawn for a
16 second.

17 And if you were a member of the cooperativa did you
18 have to take -- could you take when you wanted to get your
19 money out of it as the member? In other words could you say
20 "Hey, today I want to get my money" and then you would be paid
21 or it would be sent where you wanted it?

22 A I don't know this is correct (indisc.) or with accountant
23 terms. We used it a lot but I don't know is the right thing.

24 Q But that's how it worked?

25 A Sometimes.

1 Q So I'm going to show you what's in evidence as Defendant's
2 3.13, okay, and this is a document related to asesoria integral
3 para su empresa sociedad cooperativa de responsabilidad
4 limitada de (indisc.).

5 **THE INTERPRETER:** And that would be a limited
6 liability variable capital cooperative corporation.

7 Q And just to refresh your recollection this is the same
8 company that the -- I'm sorry -- that the Government was
9 talking about yesterday, isn't that true?

10 A I didn't see that name of the company there.

11 Q Okay. Does that help?

12 A Yes, a different year.

13 Q See, a different year. And the document they showed you
14 yesterday was when the company was created, true?

15 A Yes.

16 Q And then the document I'm going to show you now contains a
17 list of all of the people who are clients of the firm for the
18 cooperativa, true?

19 A No, it is every people who were a client of the
20 cooperativa, I cannot say that.

21 Q Okay, these are all people who have formed part of the
22 cooperativa?

23 A I not sure about that because I didn't prepare these
24 documents. It was a legal area and accounting area. I just
25 see names, but I don't remember this date physically where

1 (indisc.) cooperativa.

2 Q Okay. So do you, as you sit here today, are you saying
3 that this document didn't exist, or are you saying you don't
4 know the legal significance of all of these names?

5 A Well, I never said it didn't exist, you have the document
6 in your hand.

7 Q Okay. And the first person on this is --

8 A Uh-huh (yes.)

9 Q -- you, right?

10 A Yes, that's right, Uh-huh (yes.)

11 Q Because you were one of the formers of the company, right?

12 A Yes.

13 Q And you were also an employee?

14 A Well, we can say that, yes.

15 Q Okay. And then it goes on and it lists the names of
16 everybody else, right?

17 A Uh-huh (yes.)

18 Q And can you tell us what the numbers are next to the
19 person's name?

20 A The numbers?

21 Q Yes.

22 A That is like IRS identification if I can say something
23 like that.

24 Q Okay, it's like a -- what we would use a Social Security
25 number for here in the United States?

1 A Yes -- well, I don't know that, but this is not a Social
2 Security number, this is a number related to tax, that's
3 (indisc.).

4 Q And let me back up. Whoops --

5 You would agree with me that this list of names and
6 tax ID numbers goes on for pages, doesn't it?

7 A As I told you I don't know, it's those people who receive
8 money at that time.

9 Q My question is you would agree with me that this document
10 goes on listing names for pages, isn't that true?

11 A I don't know. I cannot say that because I don't know
12 those people --

13 Q You can't say that there are many pages of names here?

14 A No, there are many pages of names, but I don't if they
15 received money from that account or not.

16 Q Okay --

17 A That was part of the accounting (indisc.).

18 Q Because this just says that they're part of the
19 cooperativa, correct?

20 A No. That numbers -- it doesn't mean that they are part of
21 the cooperativa, that's mean that they received payment, but I
22 don't know if all received payment or not.

23 Q Now let's go back to you again.

24 A Yes.

25 Q Okay. It's got your name listed first.

1 A Uh-huh (yes.)

2 Q Okay, do you see that?

3 A Yes.

4 Q And next to that it says certificado aportacion.

5 **THE INTERPRETER:** Certificate of contribution.

6 Q Certificate of contribution. And that's when you went
7 into the cooperativa, right?

8 A That is what the document said.

9 Q Well, you formed the cooperativa, you don't -- you're
10 saying now to this jury that you don't know how you got into
11 it?

12 A No, I -- I already said this yesterday, I was asked to
13 create this cooperativa for the firm, so this is a legal issue
14 and a accountant issue.

15 Q Okay. And as we go through here it shows the amounts that
16 were paid out to people for the cooperativa, true?

17 A That document say that.

18 Q That was your job, wasn't it?

19 A No.

20 Q You didn't pay out the salaries?

21 A Yes, but I -- it wasn't my job to control how much monies
22 one were receiving.

23 Q Okay.

24 A I was just disbursing the money.

25 Q Would you agree with me that there were hundreds of people

1 who got money?

2 A Well, no, I don't know a hundred, but a lot of people
3 received money, that's right.

4 Q And you know that the real personal amount because you
5 sent it?

6 A Yes, I was disbursing the money.

7 Q Do you recognize the highlighted name?

8 A Which one? Ah, Silvia Beatriz Perez-Ceballos.

9 Q Can you tell us how many -- what was that word again?

10 **THE INTERPRETER:** Contribution.

11 Q How many certificates of contribution she had according to
12 this document?

13 A I don't know because it's like erased, but it look like
14 17,072.

15 Q And can you say how much she was paid out?

16 A How much she was paid I don't know, I can repeat the
17 number that is there.

18 Q Okay. But you repeated lots of numbers for the
19 Prosecutor, why don't you repeat one for me?

20 A Sorry?

21 **MS. HAMPTON:** Objection, your Honor, sidebar comment.

22 **THE COURT:** Sustained.

23 **BY MR. REYNAL:**

24 Q What number does it say there?

25 A Yes, it's our pesos, so it's 8 million pesos (**Speaks**

1 **Spanish)**

2 **THE INTERPRETER:** It's 8 million, 536,500.

3 Q Thank you. How many cooperativas did -- were set up by
4 Mr. Medina and Mr. Saiz-Pineda for their customers?

5 A I don't recall exactly.

6 Q Estimate?

7 A Well, like -- like six, something like that.

8 Q Six. And they all had many, many, many, many people who
9 were getting paid out of them?

10 A Well, not all. There are people and some -- some have
11 less people than others.

12 Q Okay. Would you agree with me now that to the best of
13 your memory this fiscal optimization through cooperativas
14 involved probably more than 100 different clients?

15 A I don't know that number.

16 Q Okay. Was one of the cooperativas called Investigaciones
17 y Servicios Multiples de personal en la Region (indisc.)?

18 A It don't sounds familiar for me. Could you repeat that
19 name again?

20 Q Isn't it true that one of the cooperativas was called
21 Investigaciones y Servicios Multiples de personal en la Region
22 (indisc.)?

23 A It's the company **(Speaks Spanish)** is not a cooperativa.

24 Q Sorry, that was my mistake. Does the name sound familiar
25 to you?

1 A No, it doesn't right now familiar to me.

2 Q How about **(Speaks Spanish)** --

3 A **(Speaks Spanish)**

4 Q Go ahead and say it.

5 A No, but read the complete name, yes?

6 Q **(Speaks Spanish)**?

7 A Yes, that it is a cooperativa, that is correct.

8 **THE INTERPRETER:** And the designation is (indisc.) is
9 (indisc.) capital (indisc.) corporation.

10 A No, (indisc.).

11 **THE INTERPRETER:** Cooperative Corporation.

12 Q Cooperative. And the part about (indisc.) Capital is
13 because people put -- make -- put money in and get money out,
14 the capital varies all of the time.

15 A The capital varies all the time, but it's a legal term
16 that I don't know.

17 Q And you're not here telling the jury that there was
18 anything illegal about that business, are you?

19 A Define illegal.

20 Q When you were doing it did you think it was illegal?

21 A No, I not telling you that. I just telling the truth.

22 Q That's all we want to hear.

23 Mr. Espinoza, you mentioned him, I believe that when
24 Ms. Hampton first asked you about him you said you thought that
25 his company was a client?

1 A Uh-huh (yes.)

2 Q And then today you said that he worked with Saiz-Pineda
3 and Medina Sonda. Which one is it?

4 A I didn't say that word, I said that make it in Spanish
5 work with someone that means they have a relation in the
6 company with business relation. It doesn't mean that the other
7 is both on the (indisc.).

8 Q Okay, so you're not telling the members of the jury that
9 Mr. Espinoza was part of a company with Medina Sonda and Saiz-
10 Pineda that you know of?

11 A I just telling that they have -- at some point a business
12 relationship with the company.

13 Q Okay. Medina Sonda and Saiz-Pineda with Mr. Espinoza?

14 A Well, as far as I know, yes.

15 Q Okay. Could it have been that that was with
16 Mr. Espinoza's company rather than with Mr. Espinoza
17 personally?

18 A I not sure about that.

19 Q If we go a little bit back in time, was it common in
20 Mexico for people to purchase properties in cash?

21 A Well, yes, sometimes it's still done.

22 Q And that's done many times because the person who's
23 selling the property doesn't want the Government to know how
24 much they got paid for it?

25 A I don't know the reason but it's common.

1 **MS. HAMPTON:** Objection, your Honor, it's not in the
2 form of a question.

3 **THE COURT:** Overruled.

4 **BY MR. REYNAL:**

5 Q You can, just you said it was common?

6 A No, I say that I don't know the reason.

7 Q But?

8 A But some people used to do that.

9 Q Would it be fair to say that rich people in Mexico are
10 concerned about their security?

11 A Yes.

12 Q Poor people in Mexico are concerned about their security,
13 right?

14 A Yes.

15 Q Everybody in Mexico is concerned about their security?

16 A Yes.

17 Q Is it fair to say that rich people in Mexico care about
18 confidentiality?

19 A I don't know why.

20 Q Is it fair to say that in Mexico it's common to not let
21 everybody know everything you have?

22 A You're asking if this is common?

23 Q Uh-huh.

24 A Yes, it's common.

25 Q Yes, it's common, is your answer?

1 A Yes.

2 Q Okay. And that's because if people know what you have,
3 they know what they can take from you, right?

4 A Well some people have different reasons. I don't -- I
5 cannot say is that is the main reason.

6 Q That's one reason?

7 A That's correct.

8 (Pause)

9 MR. REYNAL: I'm almost done. I'm sure you're eager
10 to get back to Illinois.

11 Q Ms. Silvia never worked on any of these transactions with
12 you, did she?

13 A You mean is I saw -- saw her moving the money or a
14 transaction?

15 Q Yeah.

16 A Well, I don't recall seeing her in the office.

17 Q You don't recall ever seeing her in the office?

18 A That's correct.

19 Q Okay. And she certainly didn't go with you to any
20 closings or buy properties with you, did she?

21 A No, she wasn't present.

22 Q Is Mr. Saiz a pretty intense guy?

23 A You mean with a strong character?

24 Q Uh-huh.

25 A Yes, he is.

1 Q Is he a guy who makes all the decisions?

2 A I think he's a guy in that -- that right.

3 Q Would it surprise you that Mr. Saiz never shared his
4 finances with his wife?

5 A I don't know.

6 Q Would it surprise you?

7 A I don't think so.

8 Q It wouldn't surprise you?

9 A No.

10 MR. REYNAL: Pass the witness.

11 (Pause)

12 REDIRECT EXAMINATION

13 BY MS. HAMPTON:

14 Q Mr. Gonzalez-Monterrubbio, I'm going to show you again
15 Government's Exhibit 122.

16 A Okay.

17 Q You testified yesterday that you've seen this document, is
18 that correct?

19 A That's correct.

20 Q Whose names are on this document?

21 A My name, Angel Gonzalez, another accountant, Eduardo
22 Arellano-Perez (phonetic), Martin Alberto Medina-Sonda, and her
23 lawyer, Reyna Marisa May Reyes (phonetic), and Karla Bayardo
24 Castillo (phonetic).

25 Q Now I'm going to show you Defense Exhibit D313 -- D., or

1 3.13, Page 1. What names are on this document?

2 A Well, it's the person who was working behalf of the
3 company, Jesus Alberto Leon Ramirez.

4 Q Have you ever seen this document before today?

5 A Before today?

6 Q Yes, sir.

7 A Well it looks like several documents that we have in the
8 company.

9 Q But have you ever seen this document?

10 A No, no, I could say no.

11 Q So down here, there's some names listed, right?

12 A I notice it's in another city, it says Palenque Chiapas
13 (phonetic).

14 Q It's in Palenque Chiapas?

15 A Yes, it's not in Villahermosa, it's in Palenque Chiapas.

16 Q Okay. Is your name on this document, on the front page as
17 one of the people who started this?

18 A No, no.

19 Q Were you involved in Asesoria Integral Para Su Empresa?

20 A In the Constitution of the Association (phonetic), yes.

21 Q But your name is missing from this document, correct?

22 A That's correct.

23 Q Where did -- where -- what city were you involved with
24 Asesoria?

25 A In the creation, you say?

1 Q Yes, sir.

2 A Villahermosa.

3 Q Have you ever seen -- I'm going to go to the page that
4 begins with an XO -- uno. Have you ever seen these pages?

5 A I cannot say that because that is part of the legal area
6 in the companinadia (phonetic). It doesn't have to -- anything
7 to do with me. I just was processing the payments of the
8 (indisc.)

9 Q Do you know who created this document?

10 A The legal area has to be -- did it.

11 Q Do you know?

12 A Well I'm not sure. I tell you that, no.

13 Q Do you know who created these pages with the annex on
14 them?

15 A No.

16 Q Have you ever seen the annex pages before?

17 A No.

18 Q I'm going to go to the page, it's 23 on this Exhibit, 3.13
19 Defense Exhibit. At the top, it says 23. Defense called your
20 attention to Ms. Perez-Ceballos' name.

21 A Uh-huh.

22 Q Approximately, how much in U.S. dollars is 8,500,000
23 pesos?

24 **MR. REYNAL:** Objection, your Honor. To the extent --
25 I mean, this is 2011. To the extent he knows the exchange rate

1 in 2011, it's varied somewhat.

2 **THE COURT:** Yeah. I thought yesterday he says that
3 he didn't know. Was it this witness who said he wasn't sure?

4 **MR. REYNAL:** It was, your Honor.

5 **MS. HAMPTON:** He's -- he said he's in banking and
6 that today the exchange -- well can I ask him about --

7 **THE COURT:** No, no, my question was: what did he say
8 yesterday about the conversion? I thought it was this witness
9 that said he didn't know. It is --

10 **MS. HAMPTON:** He said he knew the conversion was 19
11 to 1 currently, your Honor.

12 **MR. REYNAL:** He said he didn't know what it was but I
13 think he said --

14 **THE COURT:** Sustained.

15 **MR. REYNAL:** Thank you, your Honor.

16 **BY MS. HAMPTON:**

17 Q The last page of this Exhibit, what is this saying, do you
18 know what it says?

19 A Well that is the -- the person (indisc.) the company.

20 Q In what state --

21 A In Chiapas.

22 Q -- is this supposed to be file in?

23 A Well the company was created in Villahermosa, it has to be
24 including the (indisc.) Villahermosa but this say it's Chiapas.

25 Q Okay. And what state is Villahermosa in?

1 A Oh, sorry, Tabasco.

2 Q Okay. And so this is a different state?

3 A That's correct.

4 Q Were you involved at all in the formation --

5 A No.

6 Q -- of a company in Chiapas?

7 A No.

8 Q Okay. And what is the date of this -- what is -- what is
9 that heading say up there in English?

10 A The name?

11 Q The heading, where it says right here? I'm going to point
12 to it.

13 A Public Register of the Commerce.

14 Q And what is the date of the Public Register of the
15 Commerce for this document?

16 A The -- it's July 12th, 2016.

17 Q Where were you in in 2016?

18 A Here, living here in the U.S.A.

19 Q Where -- do you know if that was before or after Mr. Saiz-
20 Pineda was arrested?

21 A With that day?

22 Q Yes, sir.

23 A That was after.

24 Q Did you receive payments from Asesoria in the U.S. up to
25 2016?

1 A No.

2 Q Did you make payments for Asesoria up to 2016?

3 A No.

4 Q To your knowledge did the defendant, Ms. Perez-Ceballos,
5 have anything to do with Asesoria?

6 A No.

7 Q To your knowledge, did Ms. Perez-Ceballos run a consulting
8 business under the name of Asesoria?

9 A No, I didn't know.

10 Q To your knowledge, did Ms. Perez-Ceballos run a psychology
11 business under the name of Asesoria?

12 A No.

13 Q To your knowledge, did Ms. Perez-Ceballos ever conduct any
14 business out of Calle Magallanes -- Calle Sanchez Magallanes
15 1113?

16 A No, not according to my knowledge.

17 **MS. HAMPTON:** Pass the witness.

18 **RECROSS EXAMINATION**

19 **BY MR. REYNAL:**

20 Q You never had a social relationship with Mr. Saiz-Pineda,
21 did you?

22 A Yes, that's correct.

23 Q You never knew what his wife did or didn't do for work,
24 did you?

25 A That's correct.

1 Q That's not the kind of thing he's going to share with you,
2 is it?

3 A I guess no.

4 Q So the fact is Ms. Perez could have been the greatest
5 psychologist in the world and you wouldn't have known about it,
6 would you?

7 A Yes.

8 Q I'm going to show you 3.13 again, what we've been talking
9 about so much.

10 A Yes.

11 Q Is that a stamp on it from the notary that created the
12 document?

13 A No, the document -- no, that is a notary document with --
14 they are certificating.

15 Q Uh-huh.

16 A They don't -- but they weren't created that document.

17 Q So it's your testimony to this jury that you think this is
18 fake?

19 A No, sir, I don't know.

20 Q You don't know. So this could have been among the
21 documents. It looks like the documents but you just don't
22 know?

23 A The document -- seeming like the documents in Mexico, it
24 looks like because it's the same lawyer.

25 Q Okay. Now, you said you were in charge of payments?

1 A That's correct.

2 Q Who's Marisa Reynal?

3 A She's a lawyer in the office.

4 Q Okay. Would she authorize payments?

5 A Well, no. What happened there is you see the name of
6 Marisa is because they are -- the company who was paid was in
7 her name.

8 Q Okay. So I'm going to show you --

9 **MR. REYNAL:** May I approach?

10 **THE COURT:** Yes.

11 **(Counsel approached)**

12 **BY MR. REYNAL:**

13 Q -- what has been marked Defendant's Exhibit 3.14 and I'm
14 going to ask you again. Is the type of document or the
15 documents that you kept or that were kept in the office?

16 A Yes, it looks like.

17 Q It looks like it? Just like the one I showed you before?

18 A Yes.

19 **MR. REYNAL:** Move to admit, your Honor.

20 **MS. HAMPTON:** I'd like to take him on voir dire, your
21 Honor, and I haven't seen this document. Can I have a minute,
22 please?

23 **THE COURT:** Yes.

24 **(Pause)**

25 **MS. HAMPTON:** May I take the witness on voir dire?

1 **THE COURT:** Yes.

2 **VOIR DIRE EXAMINATION**

3 **BY MS. HAMPTON:**

4 Q Mr. Gonzalez-Monterrubbio --

5 A Yes.

6 Q -- the document the Defense attorney just showed you, have
7 you ever seen this document before?

8 A Well, I don't know exactly I've seen that document. I
9 just say that it looks like the document that we have.

10 Q Do you know if this is a true and accurate copy of this
11 document?

12 A No.

13 Q Do you know if this is the real document or the correct
14 document?

15 A No.

16 Q Do you have any knowledge about the contents of this
17 document?

18 A No.

19 **MS. HAMPTON:** Your Honor, I'd ask that it be
20 excluded.

21 **MR. REYNAL:** Your Honor, he testified that this
22 document, like the other document that I showed him, was the
23 documents that they kept in the office. You know, I think --
24 well, I won't extemporize, your Honor.

25 **THE COURT:** And I'm --

1 **MR. REYNAL:** It's admissible. I also have a business
2 record affidavit.

3 **THE COURT:** It's -- you have a business record
4 affidavit on that?

5 **MR. REYNAL:** I do, your Honor. It's in Spanish.

6 **THE COURT:** Okay. Overruled. It's admitted. And
7 what number is that?

8 **MR. REYNAL:** It is Defense 3.14.

9 **MS. HAMPTON:** May we see the business record
10 affidavit, your Honor?

11 **THE COURT:** Yes. I thought there was reciprocal
12 discovery.

13 **MR. REYNAL:** There has been reciprocal discovery.

14 **THE COURT:** Well, why does the Government keep saying
15 they haven't seen these records?

16 **MS. HAMPTON:** Reciprocal discovery was given to us on
17 Friday last week, your Honor.

18 **THE COURT:** Okay. So you have it. You just haven't
19 reviewed it?

20 **MS. HAMPTON:** I don't know if I have it. Sorry, I
21 don't know if I have it, your Honor. There was a lot that was
22 turned in.

23 **THE COURT:** Well, there's representations being made
24 in front of the jury. So it's my understanding the Defense had
25 provided the documents to the Government?

1 **MS. HAMPTON:** I haven't seen this document. I
2 apologize, your Honor.

3 **THE COURT:** Okay. Can you look to see if that was
4 given to you?

5 **MS. HAMPTON:** Yes, your Honor.

6 **THE COURT:** Like now, so we can clear it up because
7 the representation appears to be that you weren't given that
8 document. So we need to clear that up.

9 **MS. HAMPTON:** I don't have -- it's downstairs, your
10 Honor. The reciprocal discovery is downstairs.

11 **THE COURT:** Well, can somebody go check on that --

12 **MS. HAMPTON:** Yes, your Honor.

13 **THE COURT:** -- so we can clear that issue up?

14 So that's admitted -- or she wants to see the
15 business records affidavit.

16 **MR. REYNAL:** If you like, I could move on to
17 different document and we can get it over lunch.

18 **THE COURT:** Yes, that's fine. Yes.

19 **MR. REYNAL:** That way we keep moving.

20 **THE COURT:** Yes.

21 **RECROSS EXAMINATION (RESUMED)**

22 **BY MR. REYNAL:**

23 Q You said you work in finances?

24 A (No audible response)

25 Q Okay. I'm going to hand you what's been marked as Defense

1 Exhibit D3.9 and ask you if you recognize that.

2 A This is an accountant document. I think it's an analytic
3 of payment but this is not -- I don't used to handle this
4 document.

5 Q How about the documents that are attached?

6 A Those are wires transfer, uh-huh.

7 **THE INTERPRETER:** Your Honor, the interpreter is
8 having difficulty hearing the witness.

9 **THE COURT:** Okay.

10 **THE INTERPRETER:** If he could move closer to the
11 microphone.

12 **THE COURT:** If you can speak up.

13 Right, you need him to speak up?

14 **THE INTERPRETER:** Yes, your Honor. Thank you.

15 **THE WITNESS:** Those are wire transfer.

16 **BY MR. REYNAL:**

17 Q Do you recognize those as the records that were kept in
18 the offices on Sanchez Magallanes?

19 A Yes -- well, those are the documents that we used to kept
20 for the transfers.

21 Q And do they appear to be true copies of the ones that were
22 kept in the office?

23 A Okay. Yes. That's good.

24 **MR. REYNAL:** Move --

25 **MS. HAMPTON:** No objection, your Honor.

1 **THE COURT:** It's admitted.

2 And, Mr. Reynal, when you approach the witness, if
3 you can just speak up because you're not at a mike there. So
4 the record can be --

5 **MR. REYNAL:** I'm sorry. I apologize.

6 **THE COURT:** -- it's more for the record.

7 **(Defense Exhibit Number 3.9 was received in evidence)**

8 **BY MR. REYNAL:**

9 Q I'm going to show you what's in evidence as Defense 3.9
10 and ask you if this chart shows payments that were made to
11 Silvia Beatriz Perez-Ceballos as part of the Cooperativa
12 Aseoria Integral Para Su Empresa.

13 A So were you asking me something? Sorry, I was --

14 Q Yes. My question was, does this chart show payments that
15 were made to Ms. Silvia Perez-Ceballos by Asesoria Integral
16 Para Su Empresa? Does it show that?

17 A Yes, in a period of 2010, January to December.

18 Q Okay. And that is money that is being taken out of the --
19 that is Ms. -- represents getting the money out that belongs to
20 Ms. Perez, right?

21 A I don't if that money belongs to her but that money was
22 transferred to her.

23 Q Okay. Well, it appears she was a client of the
24 Cooperativa or an employee, right?

25 A No. Even people without any relation used to receive also

1 money through this.

2 Q Well, we've seen the documents in evidence that show that
3 she was part of the Cooperativa, haven't we?

4 A Well, the document that you showed me --

5 Q Okay.

6 A -- it shows that she was receiving money from the
7 Cooperativa.

8 Q Okay. And the documents I showed you earlier --

9 A Uh-huh.

10 Q -- showed that she was part of the Cooperativa, didn't
11 they?

12 A Well, I -- yes, she was there. That's correct.

13 Q Okay. And so this shows that she got out 8 million and
14 some-odd pesos, right?

15 A Yes.

16 Q And the documents that follow reflect how those were paid
17 out and we can see that in each one of them --

18 A Uh-huh.

19 Q -- they're getting paid out to HSBC, correct?

20 A That's correct.

21 **MR. REYNAL:** May I approach, your Honor?

22 **THE COURT:** Yes.

23 **(Counsel approached)**

24 Q I'm going to show you what's been marked as Defense
25 Exhibit D. -- D3.21 and ask you if you recognize that document

1 to be like the document I just showed you.

2 A I just want to give you completely but those are
3 transfers. That's correct.

4 Q And these were the types of documents -- or these are the
5 documents that you guys kept in the regular course of business
6 when you worked in Mexico?

7 A Yes, that's correct.

8 **MS. HAMPTON:** No objection, your Honor.

9 **THE COURT:** Okay. What number is that?

10 **MR. REYNAL:** Defense 3.21.

11 **THE COURT:** It's admitted.

12 **(Defense Exhibit Number 3.21 was received in evidence)**

13 **BY MR. REYNAL:**

14 Q And this is a summary of what?

15 A Well, this is an accountant report summarizing the payment
16 that she received in a period of January 2011 to December 2011.

17 Q Okay. And the payments occur roughly monthly?

18 A I don't know. No, they skip February, March, April and
19 they start with January, May, June and --

20 Q And this will show that she made 8,101,790 pesos?

21 A It shows that she received that amount of money. That's
22 correct.

23 Q In 2011?

24 A Yes.

25 //

1 Q As a result of her participation in the Cooperativa?

2 A I don't know. I just have to say that she received that
3 money from the Cooperativa.

4 Q Okay. Doesn't that indicate to you that she was part of
5 the Cooperativa?

6 A Yes.

7 Q I'm going to show you what's been marked as Defense
8 Exhibit D3.22. Is this document like the last two that I
9 showed you, the types of regular records that were kept by the
10 office and that you worked with?

11 A Yes, it's similar.

12 **MS. HAMPTON:** No objection, your Honor.

13 **THE COURT:** It's admitted.

14 **(Defense Exhibit Number 3.22 was received in evidence)**

15 **BY MR. REYNAL:**

16 Q Would you agree that this one summarizes payments for the
17 year of 2012?

18 A Yes.

19 Q And she made, again, about 8 million pesos?

20 A Yes.

21 Q Mr. Monterrubio, you have a criminal defense attorney,
22 don't you?

23 A Sorry?

24 Q You have a criminal defense attorney?

25 A Yes.

1 Q Okay. You have a criminal defense attorney because you
2 want your rights to be protected?

3 A Yes.

4 Q Okay. You want a criminal defense attorney because you
5 want them to be able to have good agreements with the
6 Government?

7 A No.

8 Q No?

9 A Just to protect my rights.

10 Q You don't want your defense attorney to help you out with
11 the Government?

12 A No, I just asked my defense attorney to protect my rights.
13 He knows how he had to do.

14 Q You certainly wouldn't want to be sitting where Silvia is
15 sitting, would you?

16 A Sorry?

17 Q You wouldn't want to be sitting where Silvia is sitting,
18 would you?

19 A I try to avoid to see anyone. I just focuses on the
20 questions.

21 Q Okay. You certainly wouldn't want to be sitting where
22 Silvia is sitting, would you?

23 A Nobody wants to be there.

24 Q Okay. And you don't want to be sitting back in Mexico
25 either, do you?

1 A Yes, no.

2 Q And you know that Ms. Hampton could make you sit in that
3 chair, don't you?

4 A Yes, I know.

5 **MS. HAMPTON:** Object, your Honor, argumentative.

6 **THE COURT:** Sustained.

7 **BY MR. REYNAL:**

8 Q And you believe that Ms. Hampton could make you sit in
9 Mexico if she wanted to, too, don't you?

10 A Yes, I believe I don't know that. No.

11 **MR. REYNAL:** No further questions.

12 **FURTHER REDIRECT EXAMINATION**

13 **BY MS. HAMPTON:**

14 Q Mr. Gonzalez-Monterrubbio --

15 A Yes.

16 Q -- you were just shown exhibits for the years of 2010,
17 2011 and 2012; is that correct?

18 A That's correct.

19 Q During those years, it appears from those documents that
20 Ms. Silvia Perez-Ceballos made approximately how much in pesos?

21 A About 25 millions.

22 Q Pesos, correct?

23 A Yes, pesos.

24 Q Do you know what Ms. Perez-Ceballos did to earn 25 million
25 pesos --

1 A No.

2 Q -- in 2010, 2011 and 2012?

3 A No, I don't know.

4 Q Do you know -- during those years, was her husband in
5 public office at that time?

6 A Yes, yes.

7 Q Do you know what Ms. Perez-Ceballos did before 2010 to
8 earn income?

9 A No.

10 Q Do you know what Ms. Perez-Ceballos did after 2012 to earn
11 income?

12 A No.

13 Q Do you know where that 24 -- 25 million pesos came from --
14 where that money came from?

15 A Well, at this moment, I don't recall. No.

16 Q Thank you.

17 **MS. HAMPTON:** I pass the witness.

18 **THE COURT:** Anything further for the witness? Can
19 the witness be excused then, from the Government?

20 **MS. HAMPTON:** Yes, your Honor.

21 **THE COURT:** From the Defense?

22 **MR. REYNAL:** Yes, your Honor.

23 **THE COURT:** All right. Thank you, sir. You can step
24 down. You're free to leave the courthouse.

25 //

1 **THE WITNESS:** Thank you.

2 **(Witness excused)**

3 **THE COURT:** So the Government's next witness?

4 **MS. HAMPTON:** Elizabeth Gutierrez, your Honor.

5 **THE COURT:** She can approach.

6 You can approach, ma'am, right over here. Watch the
7 slope there. If you'll raise your right hand.

8 **ELIZABETH GUTIERREZ, GOVERNMENT'S WITNESS, SWORN**

9 **THE CLERK:** Thank you, ma'am.

10 **THE COURT:** You can have a seat right here. And just
11 be sure to speak up, if you need to bring the mike up closer.

12 **MR. MAGLIOLO:** May we have just one moment, your
13 Honor?

14 **THE COURT:** Yes.

15 **(Pause)**

16 **MS. HAMPTON:** May I proceed, your Honor?

17 **THE COURT:** Yes.

18 **DIRECT EXAMINATION**

19 **BY MS. HAMPTON:**

20 Q Will you state your name, please?

21 A Elizabeth Gutierrez.

22 Q How are you employed?

23 A I'm a special agent with the DEA.

24 Q How long have you been with the DEA?

25 A Approximately ten years.

1 Q Were you involved in a search of a residence this year in
2 New York City?

3 A I was.

4 Q Approximately what day was that? Do you remember?

5 A I don't remember the exact date but it was in May of this
6 year.

7 Q Okay. And where was the -- what was the residence? Do
8 you remember?

9 A It was 255 East 74th Street, a condo in the building.

10 Q In New York City?

11 A Yes, ma'am.

12 Q Okay. How were you able to participate in a search of
13 that residence?

14 A There was a search warrant signed for us to enter the
15 condo. We also spoke with the building manager who let us in.

16 Q When you -- can you tell us -- when you entered the
17 apartment or the condo in New York City, what did you observe?

18 A It was a furnished condo. There were sofas, tables,
19 artwork, a fully furnished kitchen. All the amenities were
20 inside of the apartment.

21 Q Did you identify documents that were found during that
22 search warrant?

23 A I did. There was mail that was left on a table as you
24 entered the apartment in the hallway.

25 Q Did it appear as if anyone had lived in that apartment?

1 A Um, it seemed that at some point in time, yes. There was
2 clothes in the closet and there was living room furniture,
3 kitchen utensils and so forth.

4 Q Can you describe the clothing in the closet?

5 A There were a couple of pieces that were hanging. There
6 was also women and men's clothing in the drawers.

7 Q And in the closet, was it women's or men's clothing?

8 A From what I recall, they were both, a couple pieces of
9 women and a couple pieces of men's clothing.

10 Q And was that the closet of which room?

11 A There were three separate rooms. I'm not exactly sure
12 which one was designated as a master bedroom and so forth but
13 it was in one of the three rooms that was in the apartment.

14 **MS. HAMPTON:** Your Honor, I move to admit Exhibit 109
15 at this time as the documents uncovered during the search
16 warrant.

17 **MR. MAGLIOLO:** Could I see it, your Honor?

18 **THE COURT:** Yes.

19 **MR. MAGLIOLO:** No objection, your Honor.

20 **THE COURT:** It's admitted.

21 **(Government's Exhibit Number 109 was received in evidence)**

22 **MS. HAMPTON:** May I publish to the jury, your Honor?

23 **THE COURT:** Yes.

24 //

25 //

1 **BY MS. HAMPTON:**

2 Q Okay. This is Page 1 of Exhibit 109. What is this?

3 A This was a receipt for clothing for dry cleaning.

4 Q And whose name is the receipt in?

5 A Enrique Marichal.

6 **MS. HAMPTON:** Can we go to Page 3, please?

7 Q What is this?

8 A It's a receipt or paperwork from a prescription plan.

9 Q Under what last name?

10 A Saiz.

11 Q Thank you.

12 **MS. HAMPTON:** Can we go to Page 7, please?

13 Q What is this?

14 A This looks like some sort of a reservation for a Disney
15 cruise of some sort.

16 Q And whose name is it in?

17 A Jose Perez-Ceballos.

18 Q Is it Celso Jose?

19 A Yes, Celso Jose.

20 Q Okay.

21 **MS. HAMPTON:** Page 9, please.

22 Q What is this?

23 A The same. There were multiple pages of the Disney Cruise
24 Line reservations. This one's under Mrs. Silvia Beatriz Perez-
25 Ceballos.

1 Q What is the date for this document, please?

2 A This is June 12th, it looks like. Issued the 20 -- June
3 12th. The 20th of June, 2012.

4 Q Okay.

5 **MS. HAMPTON:** Page 15, please.

6 Q What is this?

7 A This was an envelope that was also in the mail that we
8 found for Mr. Enrique Marichal.

9 Q Under the address of 255 East 74th Street, Apartment 28B?

10 A Yes, ma'am.

11 **MS. HAMPTON:** I pass the witness.

12 **MR. MAGLIOLO:** No questions, your Honor.

13 **THE COURT:** All right. Can this witness be excused
14 then, Counsel?

15 **MS. HAMPTON:** Yes, your Honor.

16 **THE COURT:** No objection from the Defense either?

17 Thank you, ma'am. You can step down. You're free to
18 leave the courthouse.

19 **THE WITNESS:** Thank you, Judge.

20 **(Witness excused)**

21 **MS. HAMPTON:** They're bringing the witness, your
22 Honor.

23 **THE COURT:** Okay. Who's your next witness?

24 **MS. HAMPTON:** Mr. Dobbs.

25 **(Pause)**

1 **THE COURT:** Sir, good morning. You can approach over
2 here. Watch the slope here as you come up.

3 Good morning. If you'll raise your right hand,
4 please.

5 **JUSTIN DOBBS, GOVERNMENT'S WITNESS, SWORN**

6 **THE COURT:** You can have a seat.

7 **DIRECT EXAMINATION**

8 **BY MS. HAMPTON:**

9 Q Good morning. Will you --

10 A Good morning.

11 Q Sorry. Will you introduce yourself to the jury, please?

12 A Yes. Good morning. My name is Justin Dobbs, D-O-B-B-S.

13 Q How are you employed, sir?

14 A U.S. Department of State, Diplomatic Security Service.

15 Q What are your duties with the Diplomatic Security Service?

16 A I'm a special agent with the State Department. We
17 investigate passport and visa fraud crimes. We provide
18 security at embassies and consulates overseas, as well as
19 provide protection for the Secretary of State.

20 **MR. MAGLIOLO:** Your Honor, at this time we're going
21 to object, and perhaps we should do this outside the presence
22 of the jury, 404(b), your Honor.

23 **THE COURT:** Okay. Let's take about a ten-minute
24 break and we'll proceed.

25 **THE MARSHAL:** All rise for the jury.

1 **(Jurors exit courtroom at 11:22 a.m.)**

2 **THE COURT:** Go ahead.

3 **MR. MAGLIOLO:** Okay. Judge, if they're going to go
4 into (indisc.) is a separate offense, which they haven't given
5 us notice of, your Honor. I don't know what --

6 **THE COURT:** Okay. Well, I guess let's find out what
7 the purpose of this witness -- I'm looking for it on -- I'm
8 looking for him. I see some other diplomatic security
9 service --

10 **MS. HAMPTON:** We had problems with those witnesses.

11 **THE COURT:** Okay. So it's not -- that's fine.

12 **MS. HAMPTON:** It's the same person -- or, same
13 company, your Honor.

14 **THE COURT:** Okay.

15 **MR. MAGLIOLO:** We fully understand that. We --

16 **THE COURT:** Okay. Yeah, I just couldn't find him, so
17 I was trying --

18 **MR. MAGLIOLO:** We fully understand that that happens
19 with that type of witness, your Honor.

20 **THE COURT:** So, I guess, what's the purpose or what's
21 the government presenting this witness for?

22 **MS. HAMPTON:** Statements that this Defendant,
23 Mr. Saiz-Pineda, and her brother made to the U.S. government in
24 their visa applications regarding their employment, their
25 income, and their addresses, your Honor.

1 **MR. MAGLIOLO:** And that would be visa fraud, your
2 Honor, and we object to it.

3 **MS. HAMPTON:** It's intrinsic --

4 **MR. MAGLIOLO:** That's 404(b) and we have no notice of
5 it.

6 **MS. HAMPTON:** We would argue that it's intrinsic to
7 the crime and it's -- this is part of a pattern that she
8 conducted in this case, as far as her and her co-conspirators,
9 giving materially false information at --

10 **THE COURT:** How is it intrinsic to the offense, I
11 guess?

12 **MS. HAMPTON:** It's important in the timeline, your
13 Honor. In 2011 these statements were made to the visa -- to
14 the U.S. authorities regarding their visas. And it's in the
15 middle of when they're making other statements to banking
16 authorities. And then, other statements regarding their income
17 to the bank -- to the banks and to company records, et cetera,
18 your Honor.

19 **THE COURT:** Okay.

20 **MR. MAGLIOLO:** Completely different opinion, your
21 Honor. The time it -- and she also says it's for a pattern.
22 It's not admissible for a pattern, your Honor.

23 **THE COURT:** Pattern, I'm a little more leery about.
24 That's why I'm trying to figure out, how is it intrinsic.

25 **MS. HAMPTON:** It's -- it's statements that --

1 **THE COURT:** I'm going to let them argue then as to --
2 respond to the government's arguments regarding how it's
3 intrinsic to --

4 **MR. REYNAL:** Your Honor, I fail to see how this is
5 intrinsic to any kind of a money laundering or bank fraud
6 conspiracy, or even intrinsic to, you know, public corruption.
7 I mean, the -- the relationship between a statement that's made
8 on a visa application, what the prosecutor's trying to do is
9 show that these people lied on the visa application, so they
10 must have lied here, so they must have lied there. And that's
11 exactly the kind of pattern evidence that Rule 404 prohibits.

12 So, I mean, part one is, you can't get into that
13 evidence, even if you do give notice. Right? Pattern,
14 character, those types of evidence, other bad acts evidence
15 just doesn't come in under the rule. Under (b)(2), had they
16 given notice that they were going to use it for some other
17 purpose, then maybe they could have gotten into, but they
18 didn't give notice. And that's their default.

19 So, you know, we think, number one, it's -- it's
20 pattern evidence and, therefore, should be excluded; and number
21 two, it doesn't go to show identity, absence of mistake, any of
22 the kind of things that are listed in 404(b)(2). We haven't
23 been given notice of it. It's not intrinsic to the events
24 because it wasn't given to a bank or a financial institution or
25 anything else. So we object.

1 **MS. HAMPTON:** Your Honor, it's intrinsic to the
2 crime, but for their ability to obtain these visas and enter
3 the U.S., many of the transactions that occurred in the U.S.,
4 many of the real properties, many of them -- just the money
5 laundering transactions, which is many purchases of assets
6 could not have occurred.

7 The time period that they made the statement is very
8 important because it's very inconsistent with other statements
9 that they've made to various other authorities, your Honor.

10 **THE COURT:** The Court's going to sustain the
11 objection at this time. If you-all want to do some further --
12 we can address it further. I just don't see how it's intrinsic
13 to the offenses before the Court at this time.

14 **MR. REYNAL:** Thank you, your Honor.

15 **THE COURT:** So, for purposes -- for now, the Court's
16 not going to allow this witness to testify.

17 Okay. Do you have another witness?

18 **MS. HAMPTON:** Yes, your Honor.

19 **THE COURT:** Who's your next witness?

20 **MS. HAMPTON:** Mr. Espinosa.

21 **THE COURT:** Okay. We can go ahead and bring him in
22 the courtroom. Sir, you can step down. You might check with
23 the government to be sure you can leave.

24 **(Witness excused)**

25 **THE COURT:** All right. Let's bring -- oh, has it

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1 been ten minutes? If they're ready, we're ready.

2 **THE MARSHAL:** It's about ten.

3 **THE COURT:** Okay.

4 **(Pause)**

5 **THE MARSHAL:** All rise for the jury.

6 **(Jurors enter courtroom at 11:30 a.m.)**

7 **THE COURT:** All right. You can have a seat.

8 The government's next witness?

9 **MS. HAMPTON:** Antonio Espinosa.

10 **THE COURT:** Good morning, sir.

11 **MR. ESPINOSA:** Good morning.

12 **THE COURT:** You can approach over here. Watch the
13 slope there. And if you'll please raise your right hand.

14 **ANTONIO ESPINOSA DE LOS MONTEROS LEAL,**

15 **GOVERNMENT'S WITNESS, SWORN**

16 **THE COURT:** You can have a seat.

17 **MS. HAMPTON:** May I proceed, your Honor?

18 **THE COURT:** Yes.

19 **DIRECT EXAMINATION**

20 **(Testimony translated through interpreter)**

21 **BY MS. HAMPTON:**

22 Q Will you state your name, please?

23 A (No audible response)

24 Q Will you state your name, please?

25 A Antonio Espinosa De Los Monteros Leal.

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1 Q How are you employed, sir?

2 A I'm a businessman.

3 Q Where do you live?

4 A Presently, in Miami.

5 Q Do you know Jose Manuel Saiz-Pineda?

6 A Yes.

7 Q How do you know him?

8 A I met him 15 years ago through my daughter's school. And
9 the relationship is through his second daughter and -- who is a
10 friend of my first daughter. And the friendship really is
11 theirs, the girls, and then through the women as well, girl's
12 mother and Silvia -- a group of women.

13 Q Your wife and Ms. Perez-Ceballos are friends?

14 A That's right.

15 Q And are you friends with Mr. Saiz-Pineda?

16 A Yes.

17 Q Do you know Mr. Martin Medina-Sonda?

18 A No.

19 Q Were you -- do you have -- do you conduct business with
20 Mr. Saiz-Pineda, or have you conducted business with Mr. Saiz-
21 Pineda in Mexico in the past?

22 A I'm sorry, I didn't hear the question.

23 Q Have you conducted business with Mr. Saiz-Pineda in Mexico
24 in the past?

25 A No.

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1 Q Have you ever worked with Mr. Saiz-Pineda in any capacity?

2 A If I've worked with him?

3 Q Yes, sir.

4 A No, I've never worked at all with Mr. Saiz-Pineda.

5 Q Did you ever have contracts with Mr. Saiz-Pineda or were
6 you ever a client with Mr. Saiz-Pineda?

7 A I've never been a client of Mr. Saiz-Pineda's.

8 Q Did you ever visit Mr. Saiz-Pineda in his office in
9 Mexico?

10 A On two occasions in his office. But which office are you
11 referring to, the one in the government or after the
12 government?

13 Q Which one have you visited?

14 A I have never visited him in his accounting offices. I
15 don't know those offices at all. Never been there.

16 Q You mentioned Mr. Saiz-Pineda was in government. Do you
17 know when he was in government?

18 A Yes.

19 Q When was that?

20 A From 2007 to 2012.

21 Q During that time period, did you have a business in
22 Mexico?

23 A During that period and prior to that, yes.

24 Q What is your business in Mexico?

25 A I have many companies.

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1 Q Can you tell us about your companies, please?

2 A Sure. The main business is -- we have 250 supermarkets.

3 Q What are those called?

4 A Abarrotes Monterrey.

5 Q Anything else?

6 A Yes. We're the main suppliers of fuel, of gasoline in the
7 State of Tabasco.

8 Q Do you have -- or, did you, during Mr. Saiz-Pineda's time
9 in office, have contracts through your companies with the
10 government of Tabasco?

11 A Two of my companies have a contract with the government of
12 Tabasco.

13 Q Which companies?

14 A One was a car rental company, and the gas stations, the
15 supplier of fuel.

16 Q During Mr. Saiz-Pineda's time in office, did you have
17 contact with him regarding your contracts that you had with the
18 State of Tabasco?

19 A I didn't understand the question.

20 Q Between 2007 and 2012, did you have contract -- contact
21 with Mr. Saiz-Pineda regarding your contracts in the State of
22 Tabasco?

23 A If I had communication with him about contracts? Not at
24 all. He -- he wasn't involved in contracts at all.

25 Q Did you have contact with him while you had contracts

1 during that time period?

2 A Yes.

3 Q Can you tell us how you had contact with him?

4 A It was difficult to have to go through somebody that was
5 under supervision. And I met with him -- or, saw him
6 sometimes -- ten, twelve times at most.

7 Q During that time period, what percent of your annual
8 income came from your contracts with Tabasco?

9 A Two percent, approximately -- 2 to 3 percent.

10 Q How much money is 2 to 3 percent, approximately?

11 A \$300 million is the average annual revenue for my company.
12 So that would be 10 to 12 million, approximately.

13 Q Annually?

14 A Yes, annually.

15 Q Do you currently have contracts with the State of Tabasco?

16 A Yes.

17 Q Did you -- do you sign a term, like a time period for
18 contracts with the state?

19 A Yes. Well, in fact, it's the people there who handle for
20 each company the contracts, they do that, but it's for three or
21 four months at a time.

22 Q Do you sign -- did you sign a contract for a five-year
23 contract with the State of Tabasco?

24 A No. I've never had a five-year contract with the State of
25 Tabasco. They're either annual or quarterly contracts, and

1 they're renewed.

2 Q Do you have contracts with any other state in Mexico,
3 other than the State of Tabasco?

4 A Present, only Tabasco.

5 Q During Mr. Saiz-Pineda's time in office, between 2007 and
6 2012, did you have contracts with any other state in Mexico,
7 other than Tabasco?

8 A Contracts?

9 Q Yes, sir.

10 A No.

11 Q During Mr. Saiz-Pineda's time in office, did you own some
12 aircraft?

13 A Yes.

14 Q What are the tail numbers of those aircrafts -- of those
15 airplanes?

16 A XAKBL and XAKBA.

17 Q XAKBL and XAKBA; is that correct?

18 A KBA and KBL.

19 Q Okay. Who do those aircraft belong to?

20 A To one of my companies.

21 Q At any time during Mr. Saiz-Pineda's time in office, did
22 you permit him to use those aircraft?

23 A Yes.

24 Q Why?

25 A Public relations.

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1 Q What do you mean by "public relations"?

2 A Public relations with the government or with businessmen,
3 with people who would use it.

4 Q What do you mean "public relations" -- "public relations
5 with the government"? What does that mean to you?

6 A To have good relations with them.

7 Q What types of things would you do to have good public
8 relations with the government?

9 A No. During -- during that time, I mean, just recently I
10 got a request from one of the people who work for the
11 government asking for three trucks with food to help with the
12 problems that resulted from the earthquakes, those kinds of
13 things.

14 Q Do you -- do you consider the use of your aircraft a gift
15 to Mr. Saiz-Pineda or another government official?

16 A No.

17 Q What do you consider --

18 A No, merely public relations for him and for all of the
19 ones who use it.

20 Q Did you require payment for the use of your aircraft?

21 A No.

22 Q Did you require payment for the expense of fuel for your
23 aircraft?

24 A I didn't understand the question.

25 Q Who paid for the fuel?

1 A I did. My company. My company did, personally paid for
2 it.

3 Q Can you tell -- can you give the jury an idea of how much
4 it costs in fuel to fly your plane from Tabasco to, let's say,
5 Texas and back?

6 A Fuel in Mexico is a lot cheaper than it is here in the
7 United States. It's twice as expensive here. So in local
8 currency, 70,000 pesos, in Mexican pesos, in local currency.

9 Q Is that one way or roundtrip?

10 A It's roundtrip.

11 Q And do you know what that is in approximate U.S. dollars?

12 A Three thousand five hundred or \$4,000.

13 Q How often -- or, how many times approximately do you
14 remember allowing Mr. Saiz-Pineda to use your aircraft?

15 A A number of times. Quite a few times.

16 Q Approximately how many?

17 A More than 30, 40. I don't know.

18 Q Did you allow members of Mr. Saiz-Pineda's family to use
19 your aircraft?

20 A Yes. I imagine he wasn't traveling alone.

21 Q What family members of Mr. Saiz-Pineda did you allow to
22 use your aircraft?

23 A I didn't review that. I didn't notice who would get on
24 the plane, but I would imagine that his family -- his wife, his
25 daughters.

1 Q Did Mr. Saiz-Pineda use your aircraft for business
2 purposes?

3 A No.

4 Q What did he use it for?

5 A Pleasure trips. To visit his family.

6 Q What are the differences between your two aircraft?

7 A The motor, one was larger than the other. That was all.

8 Q Do you use each aircraft for a different purpose?

9 A I only have one now, today.

10 Q At that time when you had two, did you use each aircraft
11 for a different purpose?

12 A For the same. It was a company, really.

13 Q Did you use your aircraft -- did you rent -- did you allow
14 people to rent your aircraft for use?

15 A The idea actually was to lease it or rent it for use with
16 the governments -- with all governments, not just for the
17 government of Tabasco.

18 Q Did you -- did you make Mr. Saiz-Pineda rent your aircraft
19 or pay for the use of your aircraft?

20 A No.

21 Q Why not?

22 A Public relations.

23 Q What other types of public relations did you do for
24 Mr. Saiz-Pineda?

25 A None.

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1 Q Were there -- did Mr. Saiz-Pineda provide his own pilots
2 for your aircraft or did you provide the pilots?

3 A No. The company has its own pilots because it's
4 registered as an airline. It has to have its own pilots,
5 really like an airline.

6 Q Who pays the pilots?

7 A The company does.

8 Q Whose company is that?

9 A Mine.

10 Q So who pays the pilots?

11 A Well, the company does. The company does, but the company
12 belongs to me, so I pay. I pay the pilots.

13 Q Did Mr. Saiz-Pineda -- do you know if Mr. Saiz-Pineda
14 relayed to others that he employed those pilots; that they
15 worked for him?

16 A I didn't understand the question.

17 Q Do you know whether Mr. Saiz-Pineda stated that he
18 employed those pilots?

19 A No.

20 Q You don't know that he said that?

21 A No.

22 **MR. REYNAL:** Objection, your Honor; assumes facts not
23 in evidence.

24 **THE COURT:** Overruled.

25 Q Do you know where Mr. Saiz-Pineda would use the planes to

1 fly?

2 A I think that the most frequent place was Miami.

3 Q Where else would he use it?

4 A What I remember is Miami. I don't know if there were
5 other places further north, but from what I remember, Miami was
6 the destination.

7 Q Do you know Silvia Beatriz Perez-Ceballos?

8 A Yes, I know -- I know her, his wife.

9 Q Do you see her in the courtroom?

10 A I was seeing her before from the back and I see her now
11 facing me.

12 **MS. HAMPTON:** Your Honor, may the record reflect the
13 witness has identified the Defendant?

14 **THE COURT:** The record will so reflect.

15 **BY MS. HAMPTON:**

16 Q Did you allow Ms. Perez-Ceballos to use your aircraft?

17 A I didn't hear.

18 Q Did you permit Ms. Perez-Ceballos to also use your
19 aircraft?

20 A I would loan it to her husband. I don't know if she went
21 by herself or -- but, of course, I expect she would travel
22 with.

23 Q Do you -- did you allow Ms. Perez-Ceballos to use it alone
24 when Mr. Perez -- when Mr. Saiz-Pineda wasn't traveling with
25 her?

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1 A Oh, yes, of course. When he asked -- if he asked me, yes,
2 I would. She never asked.

3 Q Why did you allow that?

4 A He would ask -- Jose Saiz-Pineda would ask me, "Could you
5 do me this favor?" And I would say, "Go ahead."

6 Q He asked you for a favor?

7 A I asked him or he asked me?

8 Q Did you say that Mr. Saiz-Pineda asked you for a favor?

9 A Well, he would ask me, "Could you loan me the airplane?"
10 "Go ahead," I would say.

11 Q You testified it was, I think you said 30 to 40 times that
12 you remember that you let Mr. Saiz-Pineda use your aircraft; is
13 that correct?

14 **MR. REYNAL:** Object to the leading, your Honor.

15 **THE COURT:** Overruled.

16 Q Is that correct, sir?

17 A Yes.

18 Q Do you know approximately how much fuel you paid for in
19 those 30 to 40 times?

20 A Well I didn't run the numbers but it's quite a bit.

21 Q What type of maintenance has to be done to the aircraft
22 when you fly it around or how often does it have to be done?

23 A No -- well, at a minimum, every six months. You have to
24 -- if you're going to have them operational under the
25 regulations governing the airline.

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1 Q How much does that cost to maintain the aircraft every six
2 months?

3 A The maintenance?

4 Q Yes, sir.

5 A Forty thousand or 50,000. It depends on the age of the
6 aircraft and the kind of maintenance that's required.

7 Q Dollars or pesos, sir?

8 A Dollars.

9 Q Forty to \$50,000 every six months?

10 A Yes.

11 Q Did Mr. Saiz-Pineda help you pay for that?

12 A No.

13 Q Why not?

14 A He didn't, nor did anybody else who used it.

15 Q What type of aircraft are these?

16 A Hawkers (phonetic).

17 Q Did you purchase these aircraft?

18 A Pardon?

19 Q Did you purchase -- were you involved in the purchase of
20 these two aircraft?

21 A Well, my personnel -- my people, the people who know about
22 this, yes.

23 Q Okay. Would you consider your relationship with Mr. Saiz-
24 Pineda a business relationship or more of a friendship?

25 A A friendly relationship.

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1 Q Have you ever been to his house?

2 A In Villa Hermosa?

3 Q Yes.

4 A Some three or four times, perhaps.

5 Q Have you ever been to his house in the U.S.?

6 A Once in Miami. It was where he was living. I don't know
7 if it was his house or not.

8 Q You remember where the residence was located in Miami?

9 A Yes, it was in Sunny Island (phonetic).

10 Q Did you visit him anywhere else in the U.S.?

11 A Once at his house, once in New York that I recall and two
12 or three times as a family in Miami.

13 Q So you just -- you said you visited him once in Miami at
14 the Sunny Isles (phonetic) residence and now it's two or three
15 times in Miami? Is it a different place in Miami?

16 A No. I'm saying that in Miami, two or three times at a
17 restaurant or somewhere with the family.

18 Q Okay. And how many times in New York.

19 A Once.

20 Q Where did you meet him in New York.

21 A Well, no, it was a number of friends and we went to a
22 concert together. A number of couples.

23 Q I'm going to show you what's been admitted as Government's
24 Exhibit 56.

25 **THE COURT:** Let's go ahead and recess right there.

1 It's right about noon. So let's take a lunch break. Please
2 remember your instructions. Don't discuss the case with
3 anyone, not even with each other and don't try to get
4 information about the case outside the courthouse.

5 So we'll see you at 1:15.

6 **THE MARSHAL:** All rise.

7 **(Jurors exit the courtroom at 11:58 a.m.)**

8 **THE COURT:** He can set. You can step down.

9 **(Witness steps down)**

10 **MR. SPEAKER:** Are you guys going to look through your
11 reciprocal discovery to see if you can find it?

12 **THE COURT:** To be back at --

13 **MR. MUSCHENHEIM:** I'm not going to take it with me
14 and I didn't want to wheel through the courthouse two banker
15 boxes of documents (laughs) for the jury to see.

16 **MR. SPEAKER:** (indisc.)

17 **MR. MUSCHENHEIM:** I didn't know where we were on
18 that.

19 **MR. SPEAKER:** I thought the Judge was interested in
20 seeing (indisc.) on reciprocal discovery.

21 **MR. MUSCHENHEIM:** Right. And I -- your Honor, the
22 time I was looking at that, I didn't get through about -- a
23 stack of papers that high.

24 **THE COURT:** No, that's fine. It was just what I was
25 hearing -- I know during final pretrial at some point, we

1 discussed reciprocal discovery or something. What I was
2 hearing was -- I've never seen it to me means it wasn't handed
3 over.

4 **MR. MUSCHENHEIM:** Right. And it --

5 **THE COURT:** And I'm, like, so --

6 **MS. HAMPTON:** I apologize, your Honor.

7 **THE COURT:** That's okay. I'm just -- that's what I
8 -- and I'm, like, I thought there was -- so I assumed they
9 didn't turn it over and that's why we're taking time. And I
10 don't mind taking time if you-all haven't had a chance to look
11 at it but I was picking up it hasn't been handed over to us.

12 **MS. HAMPTON:** It's a lot of documents and none of
13 them are marked as exhibits. I'm sorry, your Honor.

14 **THE COURT:** I get it.

15 **MS. HAMPTON:** I had not seen that document and I did
16 not mean for it to say that he hadn't turned it over. I don't
17 know if he's turned it over.

18 **MR. REYNAL:** I accept that but they've been turned
19 over.

20 **THE COURT:** Okay. So what do you-all need --

21 **MR. REYNAL:** We don't -- I don't think we can leave
22 it -- I think we can leave it at that.

23 **THE COURT:** All right. I have some 12:15 matters so
24 if you-all don't have anything further, you-all are excused.

25 **(Recess taken from 12:00 to 1:14 p.m.)**

(MORNING SESSION CONCLUDED AT 12:00 P.M.)

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in cursive script, appearing to read "Toni Hudson", is positioned above a horizontal line.

Signed

October 6, 2017

Dated

TONI HUDSON, TRANSCRIBER